



STATE OF ARIZONA

DRAFT ELECTIONS PROCEDURES MANUAL

FOR PUBLIC COMMENT

August 2019

www.azsos.gov



1700 W. Washington St. Phoenix, AZ 85007



1-877-THE-VOTE (843-8683)



ABOUT THIS PUBLICATION

Published by the Arizona Department of State, Office of the Secretary of State, Election Services Division

© 2019 ver. Ver. Release Date August 9, 2019

All Rights Reserved.

This publication may be reproduced for private use. It shall not be used for commercial purpose.

The office strives for accuracy in our publications. If you find an error, please contact us at (602) 542-8683 or 1-877-THE-VOTE (843-8683).

DISCLAIMER

The Office cannot offer legal advice or otherwise offer recommendations on information in this publication. The Office advises consultation with an attorney in such cases.

CONTACT US

Mailing address for all correspondence or filings:

Office of the Secretary of State
Attention: Election Services Division
1700 W. Washington St., FL 7
Phoenix, AZ 85007-2808

Telephone: (602) 542-8683

Fax: (602) 542-6172

www.azsos.gov

FORWARD

A message from Secretary of State Katie Hobbs

Dear Arizonans,

Producing an Elections Procedures Manual that spells out the rules for conducting elections in Arizona is a primary responsibility of the Secretary of State. This manual is for those who work in elections in the State of Arizona. My Office has worked diligently, in close consultation with County Recorders and County Election Officials, to develop correct, impartial, uniform, and efficient procedures to ensure that elections in the State are secure, fair, and accessible and all eligible Arizonans can exercise their fundamental right to vote. This manual, once finalized and approved by the Attorney General and Governor, will carry the force of law.¹

We are releasing this draft for public comment and seeking input from the public on this important document because making our democracy function at its best requires collaboration. Thank you for taking the time to review the draft manual and provide feedback.

Sincerely,



KATIE HOBBS
ARIZONA SECRETARY OF STATE

¹ Please note that because the manual will take effect after the August 27, 2019 general effective date for legislation passed by the 54th Legislature, First Regular Session, 2019, citations to certain sections of the Arizona Revised Statutes are to amended sections that do not take effect until after the general effective date.

TABLE OF CONTENTS

CHAPTER 1: Voter Registration	1
I. Voter Registration Forms	1
A. County/State Responsibility for Supplying Forms	1
B. Eligibility to Use FPCA and FWAB Forms	2
II. Voter Registration Requirements	2
A. Citizenship Requirement	3
B. Age Requirement for Registration	11
C. Residency Requirements for Registration	12
D. Effect of Felony Conviction on Qualification to Register to Vote	12
E. Effect of Incapacitation on Qualification to Register to Vote	13
III. Voter Registration Assistance Agencies	13
A. Designated Voter Registration Assistance Agencies	13
B. Tracking and Reporting Source of Registration	14
IV. Voter Registration Processing Procedures	15
A. Statewide Voter Registration Database	15
B. Registration Codes in the Statewide Voter Registration Database	16
C. Minimum Required Information on Voter Registration Forms	17
D. Political Party Preference	20
E. Date of Registration	20
F. Initial Duplicate Checking Within the County	21
G. Electronic Verification Procedures	21
H. EZ Voter Registration	22
I. Issuance of Voter ID Cards	22
J. Help America Vote Act Identification Requirements	23
V. Protection of Secured Registrants	24
A. Marking Secured Records	25
B. Responding to Public Records Requests	25
C. Creating Signature Rosters or Uploading E-Pollbook Data	26
D. Issuance of Official Mail and Election Documents	26
E. Signing Candidate, Initiative, Referendum, or Recall Petitions	26
F. Terminating Secured Registrant Status	27
VI. Voter Registration Processing During “Books Closed”	27
VII. Eligibility to Vote	28

A.	Age Requirements to Vote in the Next Election.....	28
B.	Residency Requirements to Vote in the Next Election.....	29
C.	Registration Deadline to Vote in Next Election	30
VIII.	Voter Registration List Maintenance	32
A.	Deceased, Felon, and Incapacitated Registrants	32
B.	Secretary of State Duties to Forward Registrant Information	34
C.	Cancellation Through NVRA Process Due to Address Changes	36
D.	Prohibition on Systematic Cancellations within 90 Days of Election	39
IX.	Reporting Voter Registration Statistics	39
A.	“Federal-Only” Registration and Ballot Report.....	40
X.	Provision of Registration Data to Third Parties	40
A.	Precinct Lists to Recognized Political Parties	40
B.	Use of County Registration Rolls by Political Subdivision.....	42
C.	Public Records Requests by Third Parties	42
CHAPTER 2: Early Voting.....		45
I.	Ballot-By-Mail.....	45
A.	One-Time Requests to Receive a Ballot-by-Mail.....	45
B.	Requests to Be Placed on the Permanent Early Voting List.....	48
C.	Creation and Preparation of Early Ballots	53
D.	Mailing Ballots-by-Mail	55
E.	Issuing Replacement Ballots-by-Mail.....	57
F.	Reporting UOCAVA Transmission Statistics	58
G.	Deadline to Return Ballots-by-Mail.....	58
H.	Reporting Ballot-by-Mail Requests and Returns.....	58
II.	On-Site Early Voting	59
A.	Posting Notice of Write-In and Withdrawn Candidates	59
B.	Applicability of Voter ID Requirements.....	60
C.	Requirements and Security Procedures for Accessible Voting Devices	60
III.	Emergency Voting	61
A.	Establishing Emergency Early Voting Centers.....	61
B.	Identification and Signed Statement Requirements.....	61
IV.	Special Election Boards	61
A.	Time Periods for Requesting a Special Election Board.....	62
B.	Identification and Signed Statement Requirements.....	62

V.	Challenges to Early Ballots.....	62
VI.	Processing and Tabulating Early Ballots	63
A.	County Recorder Signature Verification	63
B.	Early Ballot Board Responsibilities.....	64
C.	Timing for Tabulation of Early Ballots and Reporting of Results	67
CHAPTER 3: Ballot-by-Mail Elections		68
I.	Eligibility to Hold a Ballot-by-Mail Election	68
II.	Approval to Hold a Ballot-by-Mail Election	68
III.	Preparing and Mailing Ballots	69
IV.	Methods to Return or Replace Ballots	69
V.	Processing Voted Ballots in a Ballot-by-Mail Election.....	70
VI.	Post-Election Reporting Requirements.....	70
CHAPTER 4: Voting Equipment		71
I.	Voting Equipment Certification.....	71
A.	State Certification Process	71
B.	Requirements for Equipment Decertification	79
C.	Emergency Conditional Certification of Upgrade/Modification	80
II.	Logic & Accuracy (L&A) Testing.....	81
A.	Timeframe to Conduct L&A Testing.....	81
B.	Public Notice of L&A Test.....	82
C.	Observers for Logic & Accuracy Test.....	83
D.	Process for Conducting L&A Tests by the Secretary of State.....	83
E.	L&A Testing Standards	87
F.	County Logic & Accuracy Testing	89
G.	Retention of L&A Programs, Test Ballots, and Database	89
III.	Security Measures for Electronic Voting Systems	89
A.	Physical Security of the Electronic Voting System	89
B.	Data Security of the Electronic Voting System	90
IV.	Contingency Planning.....	92
A.	Tabulation Contingency Plan.....	93
B.	Election Program Contingency Plan.....	93
CHAPTER 5: Accommodating Voters with Disabilities.....		95
I.	Voter Registration Information.....	95
II.	Voting and Voting Location Information	96

III.	Ensuring Accessibility at the Voting Location	96
IV.	Alternative Voting Options.....	98
V.	Special Election Boards	99
VI.	Ballots for voters with Disabilities	99
CHAPTER 6: Candidate Nomination.....		101
I.	Nomination Procedures.....	101
A.	Candidates for Partisan Federal, State, and Local Office	101
B.	Candidates for Nonpartisan Office	106
C.	Presidential Candidates	108
D.	Candidate Nomination Petition Circulators	111
E.	Filing Officer for Candidate Documents	112
F.	Bases to Reject a Candidate Filing	113
II.	Nomination Petition Challenges	114
A.	Initiating a Candidate Petition Challenge	114
B.	Service of Process and Notification Requirements.....	115
C.	County Recorder Signature Verification	115
D.	Duties of the Challenger and Candidate	116
E.	Court Hearing.....	117
F.	Costs and Expenses.....	117
CHAPTER 7: Presidential Preference Election.....		118
I.	Timing.....	118
II.	Eligibility to Participate in the PPE	118
A.	Party Eligibility to Participate in the PPE.....	118
B.	Eligibility to Vote in the PPE.....	118
C.	Candidate Participation in the PPE.....	119
III.	PPE Ballots	119
A.	Official Ballot	119
B.	Sample Ballots	120
IV.	Conduct of the PPE.....	120
A.	Voting Locations.....	120
B.	Certification of Results	121
V.	County Reimbursement for the PPE.....	121
CHAPTER 8: Pre-Election Procedures.....		122
I.	Establishing Precincts and Voting Locations	122

A.	Establishing Precincts	122
B.	Establishing Voting Locations	122
C.	Failure to Timely Establish Polling Places	124
D.	Consolidation of Polling Places Based on Lack of Candidates	124
E.	Factors to Consider When Selecting Voting Locations	124
F.	Use of School Facilities for Voting Locations.....	125
G.	Designation of Emergency Voting Locations for Election Day	125
H.	Requirement to Allow Electioneering Outside 75-Foot Limit	126
I.	Ensuring Accessibility at the Voting Location	126
II.	Appointment and Training of Poll Workers	127
A.	Election Board Duties	128
B.	Bilingual Poll Workers	129
C.	Student Poll Workers	130
D.	Poll Worker Training	130
E.	Poll Worker Compensation.....	132
III.	Designation of Political Party Observers	132
A.	Appointment Process	133
B.	Observer Credentials.....	134
C.	Observation at Voting Locations	134
D.	Observation at Central Counting Places	134
E.	Observer Guidelines.....	135
IV.	Issuing Pre-Election Notices.....	136
A.	Secretary of State: 120-Day Notice of Offices to be Elected	136
B.	County: 180-Day Notice of Election to Local Jurisdictions	136
C.	Special Taxing District/Nonpartisan Election Notices	137
V.	Preparation of Ballots	137
A.	Official Ballot Format.....	138
B.	Proofing Ballots	149
C.	Sending Ballot Proofs to Candidates and Political Parties	149
D.	Financial Responsibility for Printing Ballots.....	150
E.	Storage and Security of Ballots.....	150
F.	Sample Ballots	151
VI.	Language Minority Voting Materials	153
A.	Voting Materials Required To Be in Minority Language(s)	153

B.	Types of Elections Requiring Minority Language Voting Materials	154
VII.	Preparation of Signature Rosters and E-PollBooks	154
VIII.	Preparation of Voting Supplies.....	156
A.	Materials to Be Distributed to Voting Locations.....	156
B.	Provisional Ballot Envelope and Affidavit.....	158
IX.	Implementing a Wait Time Reduction Plan.....	160
A.	Projecting Voter Turnout	160
B.	Re-Precincting.....	160
C.	Staffing and Supplying Voting Locations.....	161
D.	Conducting Voter Education.....	162
E.	Developing Contingency Plans.....	162
F.	Determining Optimal Layout.....	163
G.	Wait-Time Reduction Survey	163
H.	Public Input.....	163
X.	Canceling An Election	163
CHAPTER 9: Conduct of Elections/Election Day Operations		165
I.	Setting up the Voting Location	165
A.	Notices to Be Posted at the Voting Location	166
II.	Opening the Voting Location.....	169
III.	Preserving Order and Security at the Voting Location.....	170
A.	Enforcing Electioneering Ban.....	170
B.	Enforcing Photography Ban.....	171
C.	Enforcing Access Restrictions	171
D.	Preventing Voter Intimidation	172
IV.	Checking Voter Identification.....	173
A.	Acceptable Forms of Identification	174
V.	Assisting Voters on Election Day	176
VI.	Issuing Ballots.....	177
A.	Issuing a Regular Ballot.....	177
B.	Issuing a Provisional Ballot	178
VII.	Challenges to a Voter Eligibility to Vote.....	181
VIII.	Closing the Voting Location.....	183
A.	Announcing the Closing of the Polls	183
B.	Poll Worker Close-Out Duties	183

C. Transport of Ballots, Voting Equipment, and Precinct Supplies	185
Chapter 10: Central Counting Place Procedures	186
I. Central Counting Place Operations.....	186
A. Deputies/Oath of Office.....	186
B. Providing Live Video Recording at Central Counting Place.....	187
C. Manual Ballot Counting.....	187
II. Establishing Central Counting Place Boards	187
A. Receiving Board.....	188
B. Inspection Board	189
C. Central Counting Place Board	191
D. Duplication Board.....	192
E. Electronic Adjudication Board	193
F. Accuracy Certification Board	197
G. Provisional Ballot Processing	198
H. Write-In Tally Board.....	203
I. Audit Board.....	203
J. Snag Board.....	204
Chapter 11: Hand Count Audit.....	205
I. Designation of Hand Count Board members	205
II. Observation of the Hand Count Audit	206
III. Types and Quantities of Ballots to Hand Count	206
A. Ballots Included in the Precinct Hand Count.....	206
B. Ballots Included in the Early Ballot Hand Count	207
IV. Selecting Precincts/Polling Places to be Hand Counted	207
V. Races Eligible to be Hand Counted	208
A. Eligible Races Generally.....	208
B. Eligible Races in Special Elections.....	209
C. Eligible Races in PPEs.....	210
VI. Selecting Races to be Hand Counted	210
A. Selecting Races for Primary and General Elections	210
B. Selecting Races for a PPE.....	213
VII. Hand Count Tabulating Methods.....	213
A. Stacking Method for Optical/Digital Scan Ballots	214
B. Three-Person Call-Out Method for Ballots Cast on Accessible Voting Devices that Independently Tabulate Votes	215

C.	Process for Hand Counting Accessible Voting Audit Tapes	216
VIII.	Procedures for Conducting the Hand Count	216
A.	Precinct Hand Count	217
B.	Early Ballot Hand Count.....	220
C.	Review of Election Program by a Special Master	224
IX.	Standard for Determining Voter Intent in Hand Count	225
X.	Hand Count of Recounted Elections.....	226
XI.	Reporting Results of the Hand Count	226
Chapter 12:	Other Post-Election Day Procedures	227
I.	Reporting Election Results	227
II.	Conducting Post-Election Logic & Accuracy Test.....	227
III.	Filing Federal Post-Election Reports	228
A.	Election Assistance Commission Reporting	228
B.	Department of Justice UOCAVA Reporting	228
IV.	Post-Election Reimbursement Requests	228
A.	Reimbursement for Conducting Local Election	228
B.	Reimbursement for PPE Expenses.....	228
C.	Reimbursement for Sample Ballots	229
Chapter 13:	Certifying Election Results	230
I.	Determining Election Results	230
II.	Canvassing the Election.....	231
A.	County Board of Supervisors Canvassing Duties	231
B.	Secretary of State’s Canvassing Duties	235
C.	City and Town Canvassing Duties.....	236
D.	Special Taxing District Canvassing Duties.....	236
E.	County School Superintendent Canvassing Duties.....	236
III.	Conducting an Automatic Recount	236
A.	Vote Margins that Trigger Recount	236
B.	Method of Initiating a Recount	237
C.	Method of Conducting the Recount.....	237
IV.	Issuing Certificates of Nomination and Election	239
V.	Issuing Ballot Measure Proclamations.....	240
VI.	Storage of Ballots and Returns of the Election	240
Chapter 14:	Regulation of Petition Circulators	241

VI. Storage of Ballots and Returns of the Election	240
Chapter 14: Regulation of Petition Circulators	241
I. Qualifications for Petition Circulators	241
II. Circulator Registration and Disclosure Requirements.....	241
A. Paid Circulators.....	241
B. Non-Resident Circulators.....	242
C. Circulator Registration Procedures	242
D. Service of Process on Registered Circulators	244
III. Signature Gathering and Verification Requirements.....	244
CHAPTER 15: Political Party Recognition.....	245
I. New Party Recognition	245
A. Requirements for Seeking New Party Recognition	245
B. Processing Statewide New Party Petitions	248
C. Duration of New Party Recognition	252
D. Recognition Following Expiration of New Party Status.....	252
E. Expiration of New Party Status.....	253
II. Qualifying for Continued Recognition	253
A. Statewide Continued Representation	253
B. County Continued Representation	253
C. City or Town Continued Representation	254
CHAPTER 16: Campaign Finance	255
I. Campaign Finance Reporting	255
II. Campaign Finance Enforcement.....	255
A. Initiation of Campaign Finance Complaints	256
B. Notice of Complaint and Opportunity for Response and Reply	258
C. Decision by Filing Officer	259
D. Decision by Enforcement Officer	261
E. Response to Notice of Violation	262
CHAPTER 17: Appendices and Sample Forms.....	264

CHAPTER 1: VOTER REGISTRATION

I. VOTER REGISTRATION FORMS

Voter registration forms that are accepted in Arizona include:

- The state voter registration form prescribed by the Secretary of State pursuant to [A.R.S. § 16-152\(C\)](#) (the “State Form”).²
- The National Mail Voter Registration Form prescribed by the U.S. Election Assistance Commission pursuant to the National Voter Registration Act of 1993 (the “Federal Form”).³
- Registrations electronically received from the Arizona Department of Transportation, Motor Vehicle Department (“AZMVD”) pursuant to [A.R.S. § 16-112](#), whether through in-person registration at an AZMVD or AZMVD affiliate’s office or online through the MVD portal or voter registration website.
- The Federal Postcard Application prescribed by U.S. Secretary of Defense pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (the “FPCA”).⁴
- The Federal Write-In Absentee Ballot prescribed by the U.S. Secretary of Defense pursuant to the Uniformed and Overseas Citizens Absentee Voting Act of 1986 (the “FWAB”).⁵

A. County/State Responsibility for Supplying Forms

The County Recorder is responsible for supplying (at no cost) State Forms to all federal, state, county, and local government agencies, political parties, and private organizations located within the County Recorder’s jurisdiction that conduct voter registration activities. [A.R.S. § 16-151\(A\)](#).

The Secretary of State is responsible for supplying (at no cost) Federal Forms to all federal, state, county, and local government agencies, political parties, and private organizations that conduct voter registration activities. [A.R.S. § 16-151\(B\)](#).

The Secretary of State and County Recorders may place reasonable restrictions on the number of forms to be provided to individuals or organizations depending on the type of voter registration

² The State Form is available at <https://www.azsos.gov/elections/voting-election>.

³ [52 U.S.C. § 20505\(a\)\(1\)](#); [52 U.S.C. § 20508\(a\)\(2\)](#). The Federal Form is available at https://www.eac.gov/voter_resources/register_to_vote.aspx.

⁴ [A.R.S. § 16-103\(B\)](#); [52 U.S.C. § 20301\(b\)\(2\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); Executive Order 12642 (June 9, 1988). The FPCA is available at <https://www.fvap.gov/military-voter/overview>.

⁵ [A.R.S. § 16-543.02\(D\)](#); [52 U.S.C. § 20302\(a\)\(4\)](#); Executive Order 12642 (June 9, 1988). The FWAB is available at <https://www.fvap.gov/military-voter/overview>.

activity to be conducted and the requestor's historical record for returning completed and valid registration forms.

Any registration form may be used to register to vote for the first time or amend/update an existing registration record. In addition, other documents may be used to amend/update a registrant's address, including but not limited to a request for an early ballot, a PEVL request form, or a provisional ballot envelope or affidavit. [A.R.S. § 16-135\(A\), \(E\)](#); [A.R.S. § 16-544\(D\)\(1\),\(2\)](#).

B. Eligibility to Use FPCA and FWAB Forms

The following registrants temporarily absent from the State are authorized by law to use the FPCA for registration and the FWAB for registration and voting:

- Uniformed service members;
- Eligible family members of uniformed service members;
- Overseas voters; and
- Non-resident U.S. Citizens with parents already registered to vote in Arizona.

[52 U.S.C. § 20310](#); [A.R.S. § 16-103](#); [A.R.S. § 16-543\(C\)](#). For more information on eligibility, visit www.fvap.gov or the Secretary of State's website (<https://azsos.gov/elections/voting-election/military-and-overseas-voters>).

A Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA") registrant can designate the method for transmission of voting materials and information on the FPCA form, including electronic transmission, fax, or regular mail. A UOCAVA registrant can designate the length of time they wish to receive voting materials, not to exceed two federal election cycles. If no designation is made, the FPCA form will be valid until immediately after the next state general election. [A.R.S. § 16-542\(B\)](#).

II. VOTER REGISTRATION REQUIREMENTS

A person is qualified to register to vote in Arizona if the person:

- Is a United States citizen;
- Will be 18 years old by the date of the next general election;
- Will have been an Arizona resident for at least 29 days prior to the next election (except as provided in [A.R.S. § 16-126](#));
- Can write his or her name (or make his or her mark), unless prevented from doing so by physical disability;
- Has not been convicted of treason or a felony, unless his or her civil rights have been restored; and
- Has not been found mentally incapacitated by a court.

[Ariz. Const. Art. VII, § 2](#); [A.R.S. §§ 9-822\(A\); 16-101; 16-126\(A\); 16-152](#). Each qualification is discussed in further detail below.

A. Citizenship Requirement

A registrant must be a U.S. citizen to be qualified to register to vote. [Ariz. Const. art. VII, § 2](#); [A.R.S. § 16-101\(A\)\(1\)](#); [18 U.S.C. § 611\(a\)](#).

U.S. citizenship must be sworn to when registering to vote. In addition, under Arizona’s bifurcated or dual-track voter registration system, an acceptable form of documentary proof of citizenship (“DPOC”) is required to be registered as a “full-ballot” voter. A “full-ballot” voter is entitled to vote for all federal, state, county, and local races as well as state and local ballot measures for which the voter qualifies.

An otherwise eligible registrant who does not submit DPOC and whose U.S. citizenship cannot be verified via AZMVD records or other record in the statewide voter registration database is registered as a “federal-only” voter. A “federal-only” voter is eligible to vote solely in races for federal office in Arizona.

1. DPOC Requirement for “Full-Ballot” Voter Status

Regardless of the type of voter registration form submitted, a County Recorder must make a registrant a “full-ballot” voter for the next election if:

- The registrant provides DPOC with or after submission of the registrant’s voter registration application; or
- The County Recorder acquires DPOC on the registrant’s behalf, including from AZMVD records or the statewide voter registration database.

[A.R.S. § 16-166\(F\)](#); *see also League of United American Citizens of Arizona (LULAC) v. Reagan*, 2:17-cv-04102-DGC, Doc. 37 (D. Ariz. June 18, 2018) (the “LULAC Consent Decree”).

a. Acquisition of DPOC from State Records

The Secretary of State must program or enable the statewide voter registration database to attempt to acquire DPOC for new registrants from AZMVD records. This attempt to acquire DPOC must be completed in all cases where a new registrant fails to provide DPOC with the voter registration form. The Secretary shall promptly notify the applicable County Recorder of the results of the check against AZMVD records. If DPOC is acquired, the Secretary shall promptly notify the applicable County Recorder, via the automated process in the voter registration database, to make the applicant a “full-ballot” voter. However, in no event shall an acquired “F-Type” Arizona driver license number qualify as valid DPOC.

b. Registrant's Submission of DPOC

A registrant may provide DPOC at the time of submitting the registrant's voter registration application or by 5:00 p.m. on the Thursday before the election. *See* LULAC Consent Decree at 5. The registrant is entitled to vote a "full-ballot" at the next election if:

- The registrant submitted a voter registration application by the registration deadline; and
- The registrant provided DPOC to the County Recorder with the registration application or separately by 5:00 p.m. on the Thursday before the election.

If a registrant does not provide DPOC with his or her registration application and valid DPOC otherwise cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Designate the registrant as a "federal-only" voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/"Federal-Only" Notice promulgated by the Secretary of State and County Recorders, *see* sample forms in Chapter 17) within ten business days, informing the registrant that:
 - The registrant has not satisfied the DPOC requirements;
 - The registrant must submit DPOC to become a "full-ballot" voter, and the registrant must provide DPOC by 5:00 p.m. on the Thursday before any given election in order to vote a "full-ballot" in that election; and
 - The registrant will remain a "federal-only" voter unless and until the registrant submits valid DPOC to become a "full-ballot" voter.

The registrant may provide separate DPOC using the DPOC Submission Form. A registrant who provides DPOC using a method other than the DPOC Submission Form sent by the County Recorder may be made a "full-ballot" voter if the County Recorder has sufficient information to link the registrant's DPOC with the registrant's form on file. If the County Recorder lacks sufficient information to link the DPOC to a registration form, the County Recorder may follow up with the registrant to seek the missing information necessary. Registrants who subsequently provide the missing information necessary to link their submitted DPOC to their registration form shall be made "full-ballot" voters within ten business days.

If the voter registration application is received after the voter registration deadline, or the registrant provides DPOC to the County Recorder *after* 5:00 p.m. on the Thursday before the next election, the County Recorder must make the registrant a "full-ballot" voter for *future* elections within five business days after the completion of processing of provisional ballots.

2. Procedures for Registrants with F-Type License

If a registrant has not provided DPOC other than an Arizona driver license or non-operating license number and AZMVD records show that the registrant has an F-Type Arizona driver license, a County Recorder must:

1. Enter the registrant's information into the voter registration database with a status of "not eligible" (or functional equivalent) and a reason code of "invalid citizenship proof" (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/F-Type Notice, promulgated by the Secretary of State and County Recorders, *see* Chapter 17 for sample forms) within ten business days, informing the registrant that:
 - According to AZMVD records, the registrant holds an F-Type license indicating non-citizenship and has not been registered to vote for that reason; and
 - The registrant may be registered and become a "full-ballot" voter if the registrant submits valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before any given election in order to vote a "full-ballot" in that election.
3. Maintain the registrant's information in the voter registration database with a status of "not eligible" (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant's record may be changed to "not registered" (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

3. "Federal-Only" Voter Status

A registrant who submits an otherwise valid voter registration form to the County Recorder, but without accompanying DPOC, is entitled to be registered as a "federal-only" voter based on the registrant's sworn statement on the registration form that he or she is a U.S. citizen. A registrant may become a "federal-only" voter regardless of the type of voter registration form submitted. A registrant who submits an otherwise valid voter registration form to the County Recorder, but without providing accompanying DPOC, shall be accepted, entered into the database, and registered for federal elections (*i.e.*, made a "federal-only" voter unless and until proof of citizenship is received or acquired), so long as the registrant is not shown to have an F-Type license.

A "federal-only" voter shall be upgraded to a "full-ballot" voter if:

- The County Recorder acquires DPOC on the registrant's behalf from AZMVD records or the statewide voter registration database; or
- The registrant provides DPOC to the County Recorder by 5:00 p.m. on the Thursday before an election.

If a “federal-only” voter has been issued an early ballot, but becomes a “full-ballot” voter prior to 5:00 p.m. on the Thursday before the election, the voter may:

- Vote the early “federal-only” ballot; *or*
- Vote a regular or provisional “full-ballot” during early voting or on Election Day, depending on the procedures implemented by the officer in charge of elections.

If a voter is issued both an early “federal-only” ballot and an early “full-ballot,” the first ballot returned to the County Recorder’s office is the only ballot that will be counted.

4. DPOC When Moving Between Counties

A voter who registered to vote before December 13, 2004, and was therefore exempted from the requirement of providing DPOC, must submit valid DPOC if the voter is changing voter registration from one county to another in order to be registered as a “full-ballot” voter in the new county. [A.R.S. § 16-166\(G\)](#).

Registered voters who submitted valid DPOC to the County Recorder in their county of residence need not resubmit evidence of citizenship upon moving and registering to vote in a new county in Arizona so long as a record of their previously-submitted DPOC is accessible by the new County Recorder (*e.g.*, via AZMVD records or the statewide voter registration database) and can be made part of their voter registration file in the new county. While proof of voter *registration* from another state or county is not satisfactory evidence of citizenship, [A.R.S. § 16-166\(H\)](#), valid documentary proof of *citizenship* presented in one Arizona county and documented in the statewide voter registration database constitutes valid DPOC if the voter registers in another county in Arizona.

5. Valid Forms of DPOC

The following section outlines what constitutes satisfactory DPOC under Arizona law.

a. Driver Licenses and Identification Cards

A registrant may submit certain driver license or state-issued identification card information as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(1\)](#).

i. Arizona Driver License or Identification Card Number

An Arizona driver license or identification card (AZ DL/ID) number issued by AZMVD after October 1, 1996 constitutes valid DPOC. To be deemed satisfactory, (1) the AZ DL/ID number must be verified against AZMVD records; and (2) the verification must not return a result that indicates non-citizenship.

A County Recorder may accept a copy of the registrant’s AZ DL/ID as DPOC, but must still enter the AZ DL/ID number into the statewide voter registration database so it can be verified against AZMVD records. AZMVD issues “Type F” licenses or ID cards to those who are non-

citizens at the time of issuance. Because “Type F” designation is not apparent on the face of the license or ID card, an AZ DL/ID alone is not sufficient to prove citizenship without verification against AZMVD records.

ii. Out-of-State Driver License or Identification Card

An out-of-state driver license or identification card may constitute satisfactory DPOC if it was issued by an equivalent license-issuing state agency and indicates on the face of the license or card that the person provided proof of U.S. citizenship in that state. A County Recorder may accept an approved out-of-state license or identification card at face value and need not electronically verify the license or card.

For example, enhanced driver licenses or enhanced identification cards from other states that are issued in compliance with the Departments of State and Homeland Security’s Western Hemisphere Travel Initiative satisfy Arizona’s DPOC requirement. The U.S. Department of Homeland Security has entered into formal agreements with certain states, including, but not limited to, Michigan, Minnesota, New York, Vermont, and Washington, to issue enhanced driver licenses and identification cards that prove identity and citizenship.⁶ These states display an American flag on the face of the license or card. Examples of an enhanced license from Michigan and New York appear below with the American flag circled.



While a County Recorder shall not accept an out-of-state driver license or identification card number alone (because the statewide voter registration database cannot electronically verify these numbers), a County Recorder may visually verify or accept a copy of these licenses or cards for DPOC purposes.

b. Birth Certificate

A registrant may submit a legible copy of the registrant’s birth certificate from any U.S. state or territory as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(2\)](#). For U.S. citizens born abroad, a “Certification of Report of Birth” or “Consular Report of Birth Abroad” issued by a consular officer from the U.S. Department of State will suffice for a birth certificate. [22 U.S.C. § 2705\(2\)](#).

⁶ See U.S. Customs and Border Protection, *Western Hemisphere Travel Initiative*, <https://www.cbp.gov/travel/us-citizens/western-hemisphere-travel-initiative> (last visited Mar. 10, 2019).

The registrant must supply supporting legal documentation (such as a marriage certificate or court-documented name change) if the name on the birth certificate or document is not the registrant's current legal name. If the registrant cannot provide supporting legal documentation to account for a different last name, a County Recorder must accept the birth certificate or document if at least the following information matches on both the birth certificate or document and the registration form:

- First name;
- Middle name;
- Place of birth;
- Date of birth; and
- Parents' name(s).

c. U.S. Passport

A registrant may submit a legible copy of the pertinent pages of the registrant's U.S. passport or passport card, or present the registrant's U.S. passport or passport card to the County Recorder, as DPOC. [A.R.S. § 16-166\(F\)\(3\)](#).

The pertinent pages of a U.S. passport are those that contain the photo, passport number, name, nationality, date of birth, gender, place of birth, and signature (if applicable). A U.S. passport card also may be accepted, which does not contain a signature.

If the County Recorder visually inspects (and does not make a copy of) the pertinent passport pages or passport card, the County Recorder must note in the registrant's voter registration record that the passport was inspected.

d. Citizenship and Immigration Documents

A registrant may present the registrant's original naturalization documents to the County Recorder for inspection or submit (1) a legible copy of the registrant's Certificate of Naturalization or Certificate of Citizenship, or (2) the registrant's Naturalization Certificate Number, Citizenship Certificate Number, or Alien Registration Number (also known as an "A-Number").

If a registrant provides a citizenship number, including a Citizenship Certificate Number, Naturalization Certificate Number, or Alien Registration Number, for proof of citizenship purposes, this number must be verified against U.S. Citizenship and Immigration Services ("USCIS") Systematic Alien Verification for Entitlements ("SAVE") database before the number can be deemed satisfactory. [A.R.S. § 16-166\(F\)\(4\)](#).

i. SAVE Usage

Each County Recorder accesses SAVE pursuant to the Secretary of State's Memorandum of Agreement with USCIS (the "USCIS MOA"). The Secretary of State will provide SAVE access to each County Recorder upon signing a separate agreement (the "SOS/County SAVE Agreement") that will govern the terms of SAVE usage (and, in some cases, billing as well, though some counties have a separate Reimbursement Memorandum of Agreement with USCIS).

A registrant must remain in "suspense" status until the County Recorder verifies the Citizenship, Naturalization, or Alien Registration Number through SAVE. If SAVE returns "United States Citizenship," the registrant's status must be updated to "active" in the voter registration database.

If SAVE returns "Lawful Permanent Resident," "Refugee," "Non-Immigrant," or "Asylee," or other non-citizen status, the registrant must be processed like those with an F-Type license. *See* Chapter 1, Section II(A)(2) above. Specifically, a County Recorder must:

1. Enter the registrant's information into the voter registration database with a status of "not eligible" (or functional equivalent);
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE Non-Citizen Notice, *see* Chapter 17 for sample forms) within ten business days, informing the registrant that:
 - According to DHS records, the registrant holds an immigration number indicating non-citizenship and has not been registered to vote for that reason; and
 - The registrant may be registered as a "full-ballot" voter if the registrant submits other valid DPOC to the County Recorder. The registrant must provide DPOC by 5:00 p.m. on the Thursday before any given election in order to vote a "full-ballot" in that election.
3. Maintain the registrant's information in the voter registration database with a status of "not eligible" (or functional equivalent) until the next regular general election if the registrant has not provided valid DPOC. If, after the next regular general election, the registrant still has not provided valid DPOC, the registrant's record may be changed to "not registered" (or functional equivalent). The registrant would then be required to complete a new registration form in order to become eligible to vote in future elections.

If SAVE is unable to find a match, the registrant must be processed like any other registrant who has not provided satisfactory DPOC. *See* Chapter 1, Section II(A)(1)(b). Specifically, if valid DPOC cannot be electronically acquired via AZMVD records or the statewide voter registration database (and the registrant is not shown to have an F-Type license), a County Recorder must:

1. Process the voter registration application and designate the registrant as a "federal-only" voter; and
2. Send a letter to the registrant (including a DPOC Submission Form/SAVE No-Match Notice, *see* Chapter 17 for sample forms) within ten business days, informing the

registrant that he or she has been registered as a “federal-only” voter and must submit other valid DPOC to become a “full-ballot” voter.

ii. Naturalization Ceremonies

County Recorder representatives who conduct registration drives at naturalization ceremonies must take special precautions to ensure registration forms are properly processed.

- The County Recorder representative who receives the registrant’s completed voter registration form must write the representative’s name or initials on the form, along with the date and some indication that the form was completed at a naturalization ceremony (e.g., “NC”);
- The County Recorder representative who conducted the registration drive must ensure that the registrant’s Alien Registration Number is written on each registration form; and
- If any registrants reside outside that county, the County Recorder representative must bundle the voter registration forms by county and send them to the applicable County Recorders, along with a cover letter affirming that the registration forms were received through a naturalization ceremony.

The County Recorder who receives the bundle shall rely on this cover letter as verification of citizenship. The County Recorder need not re-check any citizenship or immigration numbers to verify citizenship, and must register the newly naturalized registrants as “full-ballot” voters (assuming no other deficiencies).

iii. Verifying Citizenship Near Voter Registration Deadlines

Often there is a delay between when a registrant becomes a U.S. citizen and when that registrant’s citizenship status has been updated in SAVE. Therefore, certain precautions must be taken if a County Recorder receives a voter registration form within two weeks of a registration deadline that contains a Citizenship, Naturalization or Alien Registration Number:

- If a County Recorder receives a registration form within 14 days of a voter registration deadline, the County Recorder must promptly notify the registrant by telephone and/or email (or by mail if the registrant’s telephone or email is not available) about the potential need (in case SAVE results are not ready by the deadline) to submit further DPOC to be a “full-ballot” voter for the next election. For example, the registrant may present his or her naturalization papers to the County Recorder to satisfy the DPOC requirement.
- Within two weeks of Election Day, a County Recorder must check SAVE for the results of any pending verifications to print or create precinct registers for Election Day. If any cases remain pending for additional verification at that time, the County Recorder should be prepared to supplement the precinct registers immediately preceding the election or be prepared to issue Recorder’s Certificates to any newly registered voters whose citizenship was verified at the last minute. If the County Recorder cannot obtain verification of citizenship from SAVE by 5:00 p.m. on the Thursday before Election Day, the registrant must be registered as a “federal-only” voter and the County Recorder must notify the

registrant that the registrant must submit other valid DPOC in order to become a “full-ballot” voter for future elections. *See* Chapter 1, Section II(A)(5).

e. Tribal Identification Numbers and Documents

A registrant may submit a Tribal Enrollment Number, Indian Census Number, Bureau of Indian Affairs Card Number, or Tribal Treaty Card Number as satisfactory DPOC. [A.R.S. § 16-166\(F\)\(6\)](#). These tribal identification numbers are presumed valid for voter registration purposes and need not be verified against any database.

A registrant may also submit a legible copy of the registrant’s Tribal Certificate of Indian Blood or Tribal/Bureau of Indian Affairs Affidavit of Birth as satisfactory DPOC.

6. Preservation and Protection of Citizenship Documentation

A County Recorder must maintain all DPOC received pursuant [A.R.S. § 16-166\(F\)](#) in a manner that the County Recorder reasonably believes will prevent access by unauthorized persons. Documents submitted for purposes of proving citizenship may be maintained outside the voter registration database.

A County Recorder may destroy citizenship documents two years after the date of receipt. The County Recorder must exercise reasonable diligence to ensure any citizenship documents are properly destroyed. [A.R.S. § 16-166\(F\), \(J\)](#).

B. Age Requirement for Registration

A registrant must be at least 18 years old by the next “regular general election” that occurs following his or her registration. [A.R.S. § 16-101\(A\)\(2\)](#). For purposes of this requirement, the next “regular general election” is the next statewide general election held pursuant to [A.R.S. § 16-211](#).⁷

A minor who is qualified to register to vote is not necessarily a qualified elector for the next election. For example, a minor who will turn 18 years of age on November 1, 2020 is eligible to register to vote starting on November 7, 2018. However, although registered, that minor will not be eligible to vote in the August 25, 2020 Primary Election, or any earlier elections, because he or she will not yet be 18 years of age as required by [Ariz. Const. art. VII, § 2](#).

However, a registered minor is not eligible to sign candidate, initiative, referendum, or recall petitions or petitions for political party recognition until he or she turns 18 years old. [A.R.S. § 16-121\(A\)](#); [A.R.S. § 16-321\(F\)](#); [A.R.S. § 19-121.02\(A\)](#); [A.R.S. § 19-208.02\(A\)](#); [A.R.S. § 16-803\(F\)](#).

⁷ [A.R.S. § 16-152\(A\)\(15\)](#) requires that the state voter registration form ask whether a registrant will be 18 years old “on or before *election day*” in order to register to vote. (Emphasis added). However, this provision must be interpreted consistently with [A.R.S. § 16-101\(A\)\(2\)](#), and therefore only forbids registration if the registrant will not be at least 18 years old by the next *general* election.

C. Residency Requirements for Registration

A new registrant must be a resident of Arizona at least 29 days before the next election. [A.R.S. § 16-101\(A\)\(3\)](#). A County Recorder has no duty to verify a registrant's residency status and can rely on the registrant's affirmation of residency.

A registrant is a "resident" if he or she has physical presence in the county along with an intent to remain. A registrant may be temporarily absent from the jurisdiction without losing his or her residency status, as long as he or she has an intent to return. [A.R.S. § 16-103](#).

For example, although a UOCAVA registrant may register to vote any time prior to 7:00 p.m. on Election Day, a UOCAVA registrant must still be an Arizona "resident" in that he or she must: (i) have had physical presence (with an intent to remain) in the county of registration at least 29 days prior to the election; and (ii) have an intent to return to the county following the period of temporary absence. [A.R.S. § 16-103](#).

Although often interchangeable, the 29-day residency qualification ([A.R.S. § 16-101\(A\)\(3\)](#)) is distinct from the 29-day deadline to register to vote ([A.R.S. § 16-120](#)) in advance of an election. For example, the voter registration deadline may change if it falls on a state holiday, but this does not affect the requirement to be a resident at least 29 days before the next election. Voter registration deadlines are addressed in Chapter 1, Section VII(B)(4).

Notwithstanding the 29-day residency requirement, a registrant who moved away from Arizona after the 30th day immediately preceding a presidential election may vote for presidential electors in Arizona (and for no other races or ballot questions) by early ballot in the Arizona precinct from which the registrant moved, in-person at the County Recorder's office, or by mail. [A.R.S. § 16-126\(A\)](#). A registrant who votes pursuant to this provision shall have his or her registration promptly canceled after the election. [A.R.S. § 16-126\(B\)](#).

The only other exception to the requirement for residency prior to the election is for a UOCAVA registrant who has never resided in the United States but has at least one parent registered to vote in Arizona at the time of registration. [A.R.S. § 16-103\(E\)](#). See Chapter 1, Section I(B) for more information on registration and voting requirements for UOCAVA registrants.

D. Effect of Felony Conviction on Qualification to Register to Vote

A registrant may not register to vote if he or she has been convicted of treason or a felony, unless his or her civil rights have been restored. [A.R.S. § 16-101\(A\)\(5\)](#). If a registrant has had only one felony conviction, civil rights are automatically restored upon: (i) completion of probation or receipt of an absolute discharge from imprisonment, and (ii) payment of any restitution imposed. [A.R.S. § 13-912](#). Those who have only misdemeanor convictions or are in pretrial detention remain eligible to register to vote assuming no other deficiencies.

A registrant must affirm under penalty of perjury that he or she is not barred from registering to vote due to a felony conviction. [A.R.S. § 16-152\(A\)\(16\)](#). A County Recorder has no duty to verify whether the civil rights of a registrant with felony conviction(s) have been restored and is

entitled to rely on the registrant's affirmation when registering to vote. For more information on when and how civil rights may be restored, *see, e.g.*, [A.R.S. § 13-604\(A\)](#); [A.R.S. § 13-905](#); [A.R.S. § 13-906](#); [A.R.S. § 13-912](#); [A.R.S. § 16-1011\(C\)](#).

E. Effect of Incapacitation on Qualification to Register to Vote

A registrant may not register to vote if he or she has been adjudicated mentally incapacitated by a court with his or her voting rights revoked. [A.R.S. § 16-101\(A\)\(6\)](#); [A.R.S. § 14-5101\(3\)](#). A registrant must affirm under penalty of perjury that he or she is not barred from registering to vote due to a court adjudication of mental incapacitation under [A.R.S. § 14-5101\(3\)](#). A County Recorder has no duty to verify whether a registrant has been adjudicated mentally incapacitated and is entitled to rely on the registrant's affirmation when registering to vote. For more information on findings of incapacitation and retention of voting rights, *see, e.g.*, [A.R.S. § 14-5101\(3\)](#); [A.R.S. § 14-5304.02](#).

III. VOTER REGISTRATION ASSISTANCE AGENCIES

A. Designated Voter Registration Assistance Agencies

Various agencies, organizations, and offices in Arizona may be designated as “voter registration assistance” agencies. An officially-designated voter registration assistance agency:

- Provides assistance in registering to vote without regard to political party or affiliation;
- Develops written policies and conducts internal training to ensure compliance with federal and state voter registration laws;
- Meets with the Secretary of State and/or County Recorder, as applicable, on an as-needed basis to discuss voter registration policies and procedures;
- Receives State Forms (from the applicable County Recorder) and Federal Forms (from the Secretary of State) on a regular basis; and
- Accepts and agrees to return completed voter registration forms to the applicable County Recorder within five business days of receipt.⁸

All public assistance agencies and disabilities agencies are designated as voter registration assistance agencies under federal and state law and are subject to specified responsibilities to conduct voter registration. [52 U.S.C. § 20506\(a\)\(2\)](#); [A.R.S. § 16-140](#).

- A “public assistance agency” means a state agency, division, or office that provides cash or in-kind assistance (such as access to medical care or transportation) to low-income or underserved populations. [A.R.S. § 16-140\(F\)\(3\)](#). The following agencies or divisions constitute “public assistance agencies” in Arizona:
 - Arizona Department of Economic Security (DES):

⁸ [52 U.S.C. § 20506](#); [A.R.S. § 16-134\(A\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#).

- Family Assistance Administration (FAA) within the Division of Benefits and Medical Eligibility (DBME)
- Arizona Health Care Cost Containment System (AHCCCS)
- Arizona Department of Health Services (DHS): Division of Health Prevention
- A “disabilities agency” means a state agency, division or office that administers state-funded programs to provide services to persons with disabilities. [A.R.S. § 16-140\(F\)\(2\)](#). The following offices or divisions constitute “disabilities agencies” in Arizona:
 - Arizona Department of Economic Security (DES):
 - Developmental Disabilities Division (DDD)
 - Employment and Rehabilitation Services Division (DERS)

Armed Forces Recruiting Centers are also designated as voter registration assistance agencies. [52 U.S.C. § 20506\(c\)](#); [A.R.S. § 16-140](#); [A.R.S. § 16-141](#); *see also* Department of Justice guidance, available at <https://www.justice.gov/crt/national-voter-registration-act-1993-nvra>.

A County Recorder may also designate additional “voter registration volunteers” at his or her discretion, which could be any person, group, or entity, and may include governmental or nonprofit and other private organizations. [52 U.S.C. § 20506\(a\)\(3\)](#); [A.R.S. § 16-140\(E\), \(F\)\(1\)](#).

The Secretary of State’s Office will publish guidance for voter registration assistance agencies on complying with federal and state statutory requirements, which will be made available at <https://azsos.gov/elections>. Voter registration assistance agencies may also consult the Secretary of State’s Office directly for guidance and assistance relating to voter registration responsibilities.

B. Tracking and Reporting Source of Registration

Registration forms provided to a designated voter registration assistance agency or voter registration volunteer should bear a registration source code, if practicable. The source code may not disclose the specific agency or office that issued the form, nor may the source code provide any indication that a form was issued by a public assistance or disabilities agency. The source code from a particular registrant’s form may not be publicly disclosed, and may only be used by election officials to monitor compliance with federal and state law. [A.R.S. § 16-140\(D\)](#).⁹

A voter registration assistance agency should make its best efforts to ensure that the agency distributes voter registration forms with pre-populated source codes to the appropriate divisions or offices within the agency. Completed registration forms returned to the County Recorder should be segregated between public assistance and disabilities assistance, where applicable, for proper tracking purposes. If the agency directs applicants to register to vote online (either

⁹ If, under certain circumstances, pre-populated source codes are not practicable, a County Recorder should develop another reliable method to receive and track completed voter registration forms directly received from voter registration assistance and disabilities agencies.

through www.servicearizona.com (or subsequent voter registration website) or by downloading a registration form), the agency must utilize a reasonable method to track which applicants were directed to an online registration method, and offer to mail a paper registration form, at the applicant's request, if the applicant is unable to access online registration or download and print a registration form.

A County Recorder should make best efforts to ensure, to the extent practicable, that State Forms provided to a public assistance or disabilities agency have a pre-populated source code to allow reliable tracking of the origin of a completed form. The source code should not be publicly decipherable, but should allow a County Recorder to internally distinguish between public assistance versus disabilities agencies. [A.R.S. § 16-140\(D\)](#); [A.R.S. § 16-152\(A\)\(22\)](#). A County Recorder must input the source of registration into each registrant's electronic registration record. *See* Chapter 1, Section IV(B)(2).

The Secretary of State must report the number of registrations through voter registration assistance agencies to the U.S. Election Assistance Commission on a biennial basis. Accordingly, the County Recorders should ensure (through use of pre-populated source codes or other reliable method) that completed registration forms received from state agencies can be properly distinguished between a public assistance versus a disabilities assistance agency.

IV. VOTER REGISTRATION PROCESSING PROCEDURES

A. Statewide Voter Registration Database

Beginning around September 2019, Arizona will operate a new voter registration and election management system called Arizona Voter Information Database ("AVID"). The statewide database is a matter of statewide concern and is not subject to modification or further regulation by a political subdivision. The 13 smaller counties directly use the state system. Maricopa and Pima County systems link to the state system. To the extent practicable, Maricopa and Pima County's systems will use the same terms, codes, and classifications as the state system. To the extent it is necessary for Maricopa and Pima to use different terms, codes, and classifications, they must correspond to the terms, codes, and classifications in the state system. Maricopa and Pima Counties must file a detailed and complete explanation of their voter registration system or program and any subsequent revisions with the Secretary of State. [A.R.S. § 16-173](#). If Maricopa or Pima County anticipates needing to make substantive changes to their voter registration system that may inhibit data integration or otherwise impact compatibility with the state system, the Secretary of State's office must be timely notified to enable consideration of compatibility with, and any necessary modifications to, the state system. Prior to implementation, any substantive changes to the Maricopa or Pima County voter registration system must be approved by the Secretary of State for compatibility with the statewide voter registration system. [A.R.S. § 16-168\(J\)](#).

B. Registration Codes in the Statewide Voter Registration Database

A County Recorder must assign the appropriate status, reason, source and form code to each registrant's record.

1. Registration Status and Reason Codes

There are six recognized "status" codes that may be selected in the statewide voter registration database: active, inactive, suspense, canceled, not eligible, and not registered. Each status code has its own set of "reason" codes that provide further detail on the reason the particular status code was assigned. County Recorders must track the registration status and reason codes using statewide uniform codes as defined by the Secretary of State in consultation with County Recorders.

2. Registration Source Codes

A registration "source" code describes the source from which a voter registration form was received by the County Recorder or the source that circulated the registration form.

The following sources must be tracked in the voter registration database:

Source
Registration form was received from NVRA-mandated public assistance agencies
Registration form was completed in-person at the County Recorder's office counter
Registration form was received from Armed Forces recruitment offices
Registration form was received from state-funded agencies primarily serving persons with disabilities
Registration form was received from a Naturalization ceremony
Registration form was received by mail
Registration form was received from a political party or third-party organization's voter registration drive
Registration form was received from other public agencies designated by the state or county but not mandated by NVRA (e.g., city clerks, libraries, post offices)

County Recorders must track the registration sources using statewide uniform source codes as defined by the Secretary of State in consultation with County Recorders. County Recorders and staff may obtain the exact source codes associated with specific sources from the Secretary of State's Office and must keep that information confidential to avoid public disclosure of the source of a particular voter's registration.

3. Registration Form Codes

A "form" code describes the type of voter registration form used to register to vote. County Recorders must track registration forms using statewide uniform codes as defined by the Secretary of State in consultation with County Recorders.

C. Minimum Required Information on Voter Registration Forms

A State, Federal, FPCA, and FWAB Form must contain the following minimum information to be considered complete:

- Registrant's name;
- Registrant's residence address or location;
- Registrant's DOB;
- Registrant's signature (or in cases of physical disability, the signature of a person who helped complete the form on the registrant's behalf); and
- An answer of "yes" to the question "Are you a citizen of the United States of America?" or other affirmation that the registrant is a U.S. citizen.

If the registrant possesses an AZ DL/ID # or SSN, the registrant's AZ DL/ID # or SSN4 should be provided as well. If the registrant does not list an AZ DL/ID # or SSN4 on the State Form, the registrant is nonetheless permitted to register to vote. The registrant will be assigned a unique identifying number by the statewide voter registration database that will serve as a voter identification number.

The state-specific instructions accompanying the Federal Form state "[i]f you do not have a current and valid driver license or non-operating identification license or a social security number, please write 'NONE' on the form." However, a County Recorder may not reject a Federal Form for failure to write "NONE." Similarly, for the FPCA and the FWAB, if the registrant does not list an AZ DL/ID # or SSN4, the registrant is directed to write "I do not have a Social Security Number or State issued ID number."¹⁰ However, failure to write this statement does not affect the registrant's ability to register to vote. A unique identifying number will be assigned to the registrant by the statewide voter registration database for identification purposes.

If the minimum requirements listed above have been met, the form should be processed and the registrant should be entered into the voter registration database in an "active" status if he or she otherwise meets the requirements for registration. If the minimum requirements have not been met, the County Recorder must: (i) follow-up with the registrant and seek the missing information (if the County Recorder has the registrant's address, telephone number, or email address); or (ii) place the registrant in "not registered" status if the County Recorder has no reasonable means to contact the registrant.

[A.R.S. § 16-121.01\(A\)](#); [A.R.S. § 16-152\(A\)\(2\)-\(3\), \(8\), \(12\), \(14\), \(19\)-\(20\)](#); [A.R.S. § 16-166\(F\)](#); [52 U.S.C. § 21083\(a\)\(1\)\(A\)\(iii\)](#).

1. Failure to Provide Name, Address, Date of Birth, or Signature

¹⁰ See <https://www.fvap.gov/uploads/FVAP/States/eVAG.pdf>.

If the State Form, Federal Form, FPCA, or FWAB does not contain the registrant's name, residence address or location, DOB, or signature (or assisting person's signature), but the County Recorder has the address, telephone number, or email address to contact the registrant to request the incomplete information, the registrant should be entered into the voter registration database in a "suspense" status until the incomplete information or a new voter registration form is received. If contact information is missing, a County Recorder must use reasonable efforts to research and acquire contact information for the registrant through any appropriate means.

If the information on the form is incomplete or illegible, and the County Recorder has contact information for the registrant, the County Recorder shall notify the registrant within ten business days of receipt of the form, request the missing or illegible information, and inform the registrant that he or she will remain in "suspense" status, with the reason code "registrant-waiting verification" (or functional equivalent) until the information is received. If the County Recorder receives the requested information by 7:00 p.m. on the date of the next regular general election, the registrant is deemed to have been registered on the date the registration was first received. [A.R.S. § 16-134\(B\); A.R.S. § 16-121.01\(A\).](#)

If a County Recorder does not have the necessary information to contact the registrant by mail, telephone, or email, the registration form should be set aside and/or the record should be entered in the voter registration database using the status code "suspense" and the reason code "insufficient information on registration form" (or functional equivalent). If the registrant provides the missing or illegible information by 7:00 p.m. on the date of the next regular general election, that registrant is deemed to have been registered on the date the registration was first received. [A.R.S. § 16-134\(B\).](#)

If the registrant does not provide the missing, incomplete, or illegible information by 7:00 p.m. on the date of the next regular general election, the registration form is invalid and the registrant's status may be changed from "suspense" to "not registered," with the reason code "pending expired" (or functional equivalent). The registrant would need to submit a new voter registration application to be eligible to vote in future elections.

2. Failure to Provide Optional Information

Failure to provide information not listed as required in Chapter 1, Section IV(C) above does not invalidate the registration form. Specifically:

- Failure to provide state or country of birth, telephone number, occupation, former address from another state (if any), father's name or mother's maiden name, email address, political party preference, or date of signing does not invalidate the State Form;
- Failure to provide telephone number, former address (if any), race or ethnic group, or date of signing does not invalidate the Federal Form; and
- Failure to select UOCAVA status or provide political party, previous name, gender, race, telephone number, fax number, email address, ballot delivery preference, current mailing address, or date of signing does not invalidate the FPCA or FWAB.

When this occurs, the registration form should be processed and the registrant should be entered into the voter registration database in an “active” status (assuming no other deficiencies).

3. Failure to Properly Answer Age Verification Question

A registrant’s failure to answer the question “Will you be 18 years old on or before election day?” on the State or Federal Form, or a registrant’s “no” answer to the question, does not invalidate the registration form. [A.R.S. § 16-121.01\(A\)](#).

When this occurs, the County Recorder should review the registrant’s DOB to confirm whether the registrant in fact will be at least 18 years old by the next general election.

- If yes, the registrant should be added to the voter registration database in “active” status (assuming there are no other deficiencies), notwithstanding a “no” answer or failure to answer the age question.
- If no, the registrant should be added to the voter registration database with a “not eligible” status and a “registrant too young” reason (or functional equivalent). The County Recorder must notify the registrant by mail within ten business days and inform the registrant that his or her voter registration form was rejected for failure to meet minimum age requirements.

4. Failure to Properly Answer Citizenship Question

A registrant’s failure to answer the citizenship question or “no” answer to the citizenship question on the State or Federal Form does not invalidate the form so long as there is some other appropriate indicator that the registrant is a U.S. citizen. [A.R.S. § 16-121.01\(A\)](#). For the purpose of answering the citizenship question, an affirmative answer includes making a check mark in the box, placing an X in the box, circling the box, shading the box, or any other method of marking the “yes” box that indicates the registrant is a citizen. Other appropriate indicators of U.S. citizenship include providing valid DPOC or a signature swearing/affirming that the registrant is a U.S. citizen (e.g., Box 9 on the Federal Form).

If the registrant did not answer “yes” to the citizenship question or provide some other appropriate indicator that the registrant is a U.S. citizen, the County Recorder must notify the registrant by mail, email, and/or telephone within ten business days of receipt, request the incomplete information, and inform the registrant that he or she will remain in “suspense” status until the citizenship question is answered in the affirmative or the registrant provides some other appropriate indicator of U.S. citizenship.

If the County Recorder receives the requested information by 7:00 p.m. on the date of the next regular general election, the County Recorder must change the registrant’s status from “suspense” to “active” in the voter registration database (assuming there are no other deficiencies) and the registrant is deemed registered on the date the registration was first received. [A.R.S. § 16-134\(B\)](#).

5. Failure to Provide Proof of Citizenship

No voter registration application may be rejected based solely on the failure to provide DPOC. An otherwise eligible registrant who does not submit DPOC and whose DPOC cannot be acquired from AZMVD records or other record in the statewide voter registration database must be registered as a “federal-only” voter (assuming no other deficiencies). *See* Chapter 1, Section II(A) above for procedures to be followed when a registrant does not provide DPOC.

D. Political Party Preference

A registrant may select a political party preference by checking one of four boxes on the State Form or EZ Voter registration: (1) Republican; (2) Democratic; (3) Other _____; or (4) None or No Party.

If the “other” box is checked and the registrant writes a political party preference, the registrant’s selection should be entered in the voter registration database as follows:

- “Republican,” “Rep,” “GOP,” or any substantially similar designation: Republican
- “Democratic,” “Democrat,” “Dem,” or any substantially similar designation: Democratic
- “Libertarian,” “LBT,” or any substantially similar designation: Libertarian¹¹
- “Green,” “GRN,” or any substantially similar designation: Green
- Any non-recognized political party preference (including “Independent”), “Party Not Designated” or “PND”: Other

If a new registrant leaves the political party preference field blank, the registrant’s party preference will be “Party Not Designated” or “PND.” If an existing registrant leaves the political party preference field blank, however, the registrant’s existing political party preference will be retained and no changes should be made.

E. Date of Registration

A mailed paper registration form is deemed to be timely received before an election if: (1) the form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on Election Day; or (2) the form is dated on or before the voter registration deadline and received by the County Recorder within five calendar days after the voter registration deadline. [A.R.S. § 16-134\(C\)](#).

The registration effective date will be the date the original voter registration form was signed. If a registration form was submitted without a date, a County Recorder may use the postmark date or date of receipt by the County Recorder as the date of registration. [A.R.S. § 16-134\(C\), \(D\)](#).

¹¹ The designation “LIB” is not deemed substantially similar to “Libertarian” because of the similarity with the word “Liberal.” If “LIB” is written, the registrant’s party preference should be entered as “Other.”

If a paper registration form that was timely submitted before the next election lacks any required information or DPOC, or is otherwise placed in “suspense” status, and the registrant later provides that missing information or DPOC, the County Recorder must deem the date of registration to be the date the registration form was signed. Proof of citizenship must be provided by 5:00 p.m. on the Thursday before Election Day. *See* Chapter 1, Section II(A)(1)(b). Any other required information on the form must be provided by 7:00 p.m. on Election Day. [A.R.S. § 16-134\(C\)](#). If necessary supplemental information is timely provided, the registrant is deemed to be registered as of the form date and is therefore a qualified elector for that election, even if the supplemental information is provided after the voter registration deadline for that election.

However, in order for a petition signature to be deemed valid, any necessary missing information on the voter registration form, and DPOC for non-federal petitions, must be received by the County Recorder by the date the receiving officer transmits the petition signature sheets to the County Recorder for verification.

F. Initial Duplicate Checking Within the County

Before a new registration record is entered into the voter registration database, a County Recorder must first conduct a search of the voter records to determine whether there is already an existing record for the registrant *within the county*. A County Recorder may use any appropriate criteria to identify potential matches, including (but not limited to) any information in the voter’s record.

If a County Recorder ultimately determines that the registration form was submitted by an existing registrant in the county, the County Recorder must update the registrant’s existing record with the new registration information in lieu of creating a new record. In other words, the new registration form is treated as a request to update the registrant’s existing/original record. If the initial duplicate search indicates that the registrant does not already have a record in that county, the County Recorder must create a new record.

If a County Recorder overlooks an existing/original record and inadvertently creates a new record for the registrant, the existing/original record will be flagged for the County Recorder to resolve later.

G. Electronic Verification Procedures

Once a new or amended voter registration record is entered into the statewide voter registration database, the system automatically checks the registrant’s information against AZMVD records and, if necessary, the Social Security Administration (SSA) database.

Verifying records against AZMVD and/or SSA data serves multiple functions:

1. If the registrant provided an AZ DL/ID #, a match against AZMVD records validates proof of citizenship (unless the match is to a “Type F” AZ DL/ID # or an AZ DL/ID # issued before October 1, 1996).

2. If the registrant failed to provide either an AZ DL/ID # or SSN4, but the registrant's provided information matches against AZMVD or SSA data, the system will "acquire" the missing AZ DL/ID # or SSN4 from those sources and import that information into the registrant's record.
3. A match against AZMVD records or SSA database confirms the registrant's identity and helps ensure the integrity of registration rolls.

The registrant's new or amended record is also automatically verified against existing records in the statewide voter registration database for the purpose of identifying (and potentially canceling) any duplicate record. The details of the electronic verification procedures are defined in the statewide voter registration system.

H. EZ Voter Registration

Voter registrations electronically transmitted from AZMVD to the statewide voter registration system are known as EZ Voter records. The EZ Voter program allows registrants to register through AZMVD, whether online at www.servicearizona.com or in-person at an AZMVD (or authorized third-party provider) office. [52 U.S.C. § 20504](#); [A.R.S. § 16-112](#).

All EZ Voter records for a particular county are populated to an interface, where each record is individually processed by the County Recorder. If there is no "true match" against an existing registrant's record in the county, the County Recorder should create a new registration record and import the EZ Voter record into the new registration record. Once the new record is saved, the statewide voter registration system will conduct the same automatic AZMVD/SSA verification and statewide duplicate checking that occurs when a paper form has been entered.

If a County Recorder finds a match between an EZ Voter record and an existing registration record, the County Recorder should apply the EZ Voter updates to the existing record.

I. Issuance of Voter ID Cards

A County Recorder must issue a voter ID card to any new registrant or an existing registrant who updates his or her name, address, or political party preference. [A.R.S. § 16-163\(B\)](#). New voter ID cards should also be issued to any registrants affected by redistricting or reprecincting. A new voter ID card need not be issued if a registrant makes other changes to his or her registrant record, including opting into the electronic publicity pamphlet.

A voter ID card should be labeled "Voter Identification Card" and contain the following information:

1. Registrant's full name;
2. Registrant's residence address;
3. Registrant's political party preference;
4. Registrant's date of registration (and/or effective date of change);

5. Registrant's voter ID number;
6. Registrant's precinct name and/or number;
7. Registrant's district information:
 - Congressional district (all registrants);
 - Legislative district (only "full-ballot" voters); and
 - Any additional optional district information;
8. County name;
9. Contact information for the County Recorder; and
10. If the registrant is a "federal-only" voter, a clear indication of "federal-only" voter status.

The mailer that accompanies the voter ID card should contain the same information on the card and the following additional information:

1. Information stating that a new voter ID card is enclosed and instructions to discard the old card;
2. Information on use of the voter ID card (*i.e.*, proof of identity at the voting location);
3. How to contact the County Recorder if information on the card is incorrect;
4. Instructions on how to find one's voting location;
5. If the registrant is a "federal-only" voter, information about what "federal-only" means and what limitations apply (including voting, signing petitions, etc.);
6. Information about identification requirements at the voting location;
7. Information about how to request an early ballot or be placed on the PEVL; and
8. Outline of the reasons why a person would need to re-register.

The County Recorder should send a voter ID card within 30 days of when a new registrant's information is entered into the voter registration database. [A.R.S. § 16-163\(B\)](#). Return of an undeliverable voter ID card may be grounds to initiate the "NVRA process." [A.R.S. § 16-163\(C\)](#). See Chapter 1, Section VIII(C).

J. Help America Vote Act Identification Requirements

The Help America Vote Act (HAVA) requires a first-time voter to prove identity before he or she can receive a ballot or vote in a federal election if the voter registered to vote by mail or through a third-party registration drive (*i.e.*, the registration form was not completed in-person at the County Recorder's office or other designated voter registration agency). [52 U.S.C. § 21083\(b\)\(1\)-\(3\)](#).

The identification requirement under HAVA for in-person voting is the same as the identification requirement under state law for in-person early, emergency, and Election Day voting. Therefore, all in-person voters are subject to the same identification requirements. [A.R.S. § 16-579\(A\)\(1\); 52 U.S.C. 20205\(c\)\(1\); 52 U.S.C. § 21083\(b\)\(2\)\(A\)\(i\).](#)

However, Arizona’s method of proving identity for mail-in early voters (signature comparison) is not expressly permitted under HAVA. HAVA instead requires identity to be proven in one of the following ways for a first-time voter to vote by mail:

- Verification of a registrant’s AZ DL # or SSN4;
- Presentation of a registrant’s current and valid photo identification; or
- Presentation of a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the registrant.

[52 U.S.C. § 21083\(b\).](#) For purposes of HAVA compliance, verification of a registrant’s AZ DL/ID # will be deemed sufficient proof of identity. If a registrant has not satisfied HAVA’s identification requirement for first-time voters who registered by mail, the registrant must be entered into the statewide voter registration database with a designation of “FED.” After the registrant proves identity by presenting a photo identification or utility bill/bank statement/government document with voter’s name and address, the designation must be changed to “FEDI.”

V. PROTECTION OF SECURED REGISTRANTS

The following eligible registrants are entitled to have their registration record generally shielded from public disclosure, beyond the standard confidentiality protections available to all registrants:

- Registrants with a government (principally law enforcement) background who demonstrate to a court that sealing their registration record will reduce a danger to the registrant’s life or safety (collectively “protected government officials”), [A.R.S. § 16-153\(A\), \(B\)\(3\), \(K\)\(4\);](#)
- Registrants subject to an Order of Protection or Injunction against Harassment (collectively “protected victims”), [A.R.S. § 16-153\(A\), \(J\), \(K\)\(4\);](#)
- Registrants enrolled in the Secretary of State’s Address Confidentiality Program (“ACP”). ACP participants typically include victims of domestic violence, sexual offenses, or stalking offenses. The Secretary of State provides ACP participants a substitute address for public disclosure purposes and redirects mail from the substitute address to the ACP’s participant’s actual address, [A.R.S. § 41-161\(2\); A.R.S. § 41-162.](#)

Protected government officials, protected victims, and ACP participants are collectively referred to as “secured registrants” with “secured records.” Other persons who reside with secured registrants are also entitled to have their registration record secured. A registrant seeking secured status may obtain an application from the Administrative Office of the Courts at

<http://www.azcourts.gov/selfservicecenter/Self-Service-Forms/Personal-Information-Redaction>.

A protected government official or protected victim who is not an existing registered voter, but seeks to have their record sealed upon registering for the first time, should contact the County Recorder to coordinate the appropriate procedure. See [A.R.S. § 16-153](#).

An ACP participant who seeks to register to vote must initiate the process through the Secretary of State's ACP Division. See [A.R.S. § 41-162](#). The ACP participant will be provided a Voter Registration Packet, which includes a State Form and a Participant Protected Voter Records Form ("PVR Form"). If the person was already registered to vote prior to becoming an ACP participant, the person should re-register to vote through the Secretary of State's ACP Division.¹² Upon receipt of the ACP participant's completed voter registration packet from the Secretary of State's ACP Division, the designated County Recorder official must process the registration form within five business days and complete the following steps: (i) mark the registrant's record as secured, (ii) include the registrant on the PEVL,¹³ and (iii) scan the State Form into the voter registration database so only the registrant's name and signature will be visible, and ensure the original State Form is protected from unauthorized access.

A. Marking Secured Records

A secured record in the voter registration database must be visually distinguishable from non-secured records. A County Recorder may implement additional security protocols to limit employee access to secured records.

B. Responding to Public Records Requests

Protected government officials and protected victims (and any registered voter who resides at the same residence) are entitled to have their identifying information, including any of that person's documents and voting precinct number, shielded from public disclosure. [A.R.S. § 16-153\(A\)](#).

ACP participants are entitled to have their "actual address" shielded from public disclosure, which includes the ACP participant's actual residential address, work address, school address, telephone number, county of registration, and precinct number. [A.R.S. § 41-161\(1\)](#); [A.R.S. § 41-165\(E\)](#).

Neither the Secretary of State nor a County Recorder may disclose an ACP participant as a registered voter because doing so would reveal the ACP participant's county of residence in violation of [A.R.S. § 41-161\(1\)](#) and [A.R.S. § 41-162\(A\)](#). The Secretary of State and/or County Recorder may also exclude protected government officials and protected victims from a response to a public records request for registrant records, if separating protected government officials/protected victims from ACP participants would present an undue burden.

¹² More information on the process is available at <https://azsos.gov/services/acp>.

¹³ The Secretary of State's ACP Division requires that ACP participants be added to the Permanent Early Voting List (PEVL) (to maintain the confidentiality of the ACP participant's voting precinct), and will therefore ensure the "PEVL" box is selected on the State Form.

However, nothing in this Section precludes the Secretary of State or County Recorder from: (1) providing non-sealed information about a protected government official or protected victim if otherwise required by law or a court order; or (2) including secured registrants in statistical reports.

C. Creating Signature Rosters or Uploading E-Pollbook Data

County Recorders may not include secured registrants, whether an ACP participant or protected government official or protected victim, on a signature roster or in an e-pollbook. If a county uses a tablet or computer terminal that has live access to the voter registration database via a secure virtual private network (“VPN”) connection, the system must be capable of shielding secured registrants’ information from public view (or providing view access only to the secured registrant).

In the event a secured registrant attempts to vote provisionally at a polling place (and informs the poll worker of his or her secured status), the poll worker should undertake any additional or necessary precautions, including but not limited to:

- Confirming the correct ballot style;
- Ensuring that a protected government official or protected victim lists his or her actual residential address on the provisional ballot envelope;
- Making a notation about secured registrant status on the provisional ballot envelope; and/or
- Limiting the signature roster to the registrant’s voter ID number and the notation “address protected.”

D. Issuance of Official Mail and Election Documents

A protected government official or protected victim should receive all official election mail and be issued any voter ID cards using the registrant’s actual information.

An ACP participant should receive all official election mail and be issued any voter ID cards using the substitute address (and excluding the precinct name or number). [A.R.S. § 41-166\(E\)](#).

E. Signing Candidate, Initiative, Referendum, or Recall Petitions

The Secretary of State and County Recorders have no obligation to redact an address or other identifying information from a candidate, initiative, referendum, recall, or new party recognition petition signed by a secured registrant. Nor is the Secretary of State or a County Recorder required to research an ACP participant’s actual address if a substitute address is placed on a petition. For these reasons, secured registrants are encouraged not to sign petitions.

F. Terminating Secured Registrant Status

A protected government official's or protected victim's registration record remains sealed for a period of five years, to expire by January 5th of the following year unless judicially renewed. A County Recorder must mail a notice to the protected government official or protected victim within six months of the expiration and advise him or her of the expiration date. [A.R.S. § 16-153\(F\)](#). A County Recorder may extend the protected government official's or protected victim's secured status upon receipt of a new court order. Otherwise, a County Recorder will remove the secured status from the registrant's record after January 5th if the County Recorder does not timely receive a new court order.

An ACP participant's registration record remains sealed indefinitely unless a County Recorder is notified by the registrant or the Secretary of State's ACP Division that the registrant is no longer a participant in the ACP program. Upon receipt of such notice, a County Recorder should remove the secured status from the registrant's record and send all future correspondence to the registrant's actual residential address previously provided on the registration form (not the substitute address previously utilized for confidentiality purposes).

VI. VOTER REGISTRATION PROCESSING DURING “BOOKS CLOSED”

The period between the last day to register to vote for an election and Election Day is known as the “books closed” period. Historically, unless the specific changes were requested by the registrant before the voter registration deadline, County Recorders refrained from making substantive changes to voter registration records during the “books closed” period in order to ensure that the creation of signature rosters, e-pollbook rosters, and the verification of provisional ballots are based on records of eligible voters as of the last day to register to vote. However, voter registration processing may continue during the “books closed” period if the County Recorder has other means of identifying records of eligible voters as of the last day to register (*e.g.*, the voter registration system is able to sort by effective eligibility date).

Even if a County Recorder chooses to suspend voter registration processing during the “books closed” period, the following updates should continue to be processed:

- **Address Updates:** If an existing registrant updates his or her residence address after the voter registration deadline but prior to the finalization of the signature or e-pollbook rosters, a County Recorder may update the registrant's record with the updated residence address. In this case, the existing registrant would be permitted to vote a regular ballot at his or her new voting precinct. (Voters who registered prior to the voter registration deadline but failed to notify the County Recorder of an address change prior to the date of the election are eligible to vote a provisional ballot and may update their address at their new voting precinct.)
- **Name Changes:** If an existing registrant updates his or her name after the voter registration deadline but prior to the finalization of signature rosters or e-pollbook rosters, a County Recorder may update the registrant's record with the new name.

- **DPOC Changes:** If a “federal-only” voter provides satisfactory DPOC to the County Recorder by 5:00 p.m. on the Thursday before Election Day, the registrant’s status must be updated to “full-ballot” voter status. *See* Chapter 1, Section II(A)(1)(b).

VII. ELIGIBILITY TO VOTE

To be eligible to vote, a registrant must be both: (1) timely registered for a particular election (*i.e.*, registered in the jurisdiction at least 29 days before the date of the election), and (2) a qualified elector in a particular jurisdiction.

In general, a “qualified elector” is a person who is:

- Qualified to register to vote and is properly registered to vote in the jurisdiction in question; and
- Will be at least 18 years old on or before the date of the election.

A registrant remains a qualified elector unless the registrant moves to another jurisdiction or has his or her registration canceled. [A.R.S. § 16-121\(A\)](#).

“Qualified electors” may differ in property-based elections conducted pursuant to Title 48. For example, a qualified elector for the purpose of a domestic water improvement district or domestic waste water improvement district election is a natural person (not a company, corporation, LLC, trust, or other business entity) who owns property in the district and: (i) is registered to vote in the applicable county and resides within the district; (ii) is registered to vote in the applicable county but does not reside in the district; or (iii) is registered to vote in Arizona but does not reside in the applicable county or district. [A.R.S. § 48-1012\(G\)](#).

A. Age Requirements to Vote in the Next Election

To be eligible to vote in the next election held pursuant to [A.R.S. § 16-204](#), a registrant must be 18 years old on or before the date of that next election. [A.R.S. § 16-121\(A\)](#).

If a registrant will be at least 18 years old on or before the next statewide general election, but will not be at least 18 years old by the next election held in a particular jurisdiction, the registrant remains qualified to *register* to vote but is not a *qualified elector* for that next election. For example, if a registrant will turn 18 years old before the general election but will be 17 years old at the time of the primary election, the registrant may register but is not entitled to vote in the primary election.

If a County Recorder receives a voter registration form from a registrant who will be at least 18 years old on or before the next statewide general election, but will not be 18 years old at the time of the next election, the registrant must be entered in the voter registration database and placed in a “suspense” status with a “registrant too young” reason code (or functional equivalent).

The County Recorder must notify the registrant by mail within ten business days of receipt of the registration form to: (1) inform the registrant that his or her registration will remain in

“suspense” until the registrant turns 18; and (2) specify the next election where the registrant will be eligible to vote. [A.R.S. § 16-101\(A\)\(2\)](#); [A.R.S. § 16-134\(B\)](#); [A.R.S. § 16-152\(A\)\(15\)](#).

On or after the registrant’s 18th birthday, the registrant’s status must be changed to “active” to make the registrant a qualified elector for the next election.

B. Residency Requirements to Vote in the Next Election

To be eligible to vote in the next election, a registrant generally must have residency within the boundaries (or proposed boundaries) of a particular jurisdiction for the 29-day period preceding that election. [A.R.S. § 16-120\(A\)](#). For example, to vote in a city or town election, a registrant must be a resident of that city or town at least 29 days before that election. [A.R.S. § 9-822\(A\)](#).

1. Residency Requirements When Jurisdictional Boundaries Change

If jurisdictional boundaries change during the 29-day period preceding the next election, a registrant must have residency within the new boundaries in order to vote in the next election in that new jurisdiction. This applies to boundary changes brought about by annexation.

For example, a registrant who previously resided in a county island, but whose property was annexed into a city or town during the 29-day period preceding an election, is qualified to vote in the city or town’s next election if the registrant resided in the city or town’s new boundaries during the 29-day period before the election. [A.R.S. § 9-822\(B\)](#).

2. Eligibility to Vote When Registrant Moves Within 29-Day Period

If a registrant moves to a different precinct within the same county during the 29-day period preceding the next election, the registrant remains a qualified elector for the next election. If the registrant updates his or her residence address prior to the creation of the signature rosters or e-pollbook rosters, a County Recorder may update the registrant’s record with the updated residence address in the voter registration database and the voter will be permitted to vote a regular ballot at his or her new voting precinct. The registrant is also entitled to update his or her address at the appropriate polling place for the voter’s new address and then vote a provisional ballot on Election Day. [A.R.S. §§ 16-122, 16-135, 16-584](#).

If a registrant moves to a different county during the 29-day period preceding the next election, the registrant remains a qualified elector in the former county for that election. [A.R.S. § 16-125](#).

If a registrant moves to a different state during the 29-day period preceding the next election, the registrant is not a qualified elector (and is therefore ineligible to vote) in Arizona. However, a registrant retains the right to vote in Arizona for President of the United States (and no other office) at the general election during a Presidential election year. [A.R.S. § 16-126](#). Requesting a presidential-only ballot requires the County Recorder to cancel the registrant’s record “promptly” following the general election. [A.R.S. § 16-165\(A\)\(6\)](#).

3. Exceptions to the 29-Day Residency Requirement

a. Military and Overseas Voters

Military and overseas registrants temporarily absent from the state are permitted to register and vote up until 7:00 p.m. on Election Day despite not physically residing in Arizona during the 29-day period preceding the next election. [A.R.S. § 16-103](#); [A.R.S. § 16-543.02\(B\)](#). This exception also applies to a U.S. citizen who has never resided in the United States but whose parent is registered in Arizona and is a qualified elector for the next election. [A.R.S. § 16-103\(E\)](#).

b. Public Officers Posted in Different County

If a state employee or officer is posted to a duty station in a county other than the county from which he or she was appointed or elected, the officer or employee (along with his or her spouse and dependents who reside in the household) remain qualified electors in the county of appointment or election, even if they physically reside in the county where the duty post is located. [A.R.S. § 16-124](#).

C. Registration Deadline to Vote in Next Election

A registrant who registers to vote at least 29 days before the next election (and is otherwise a qualified elector in that jurisdiction) is entitled to vote at the next election. [A.R.S. § 16-120\(A\)](#); [A.R.S. § 16-134\(C\)](#).

1. Date of Receipt of Voter Registrations

For online EZ Voter registrations, a registration is timely received if the registrant completes the online registration by 11:59 p.m. on the last day to register to vote. The time of registration is the time identified on the registrant's EZ Voter confirmation receipt.

For paper registrations conducted at a County Recorder's office, the Secretary of State's office, an AZMVD office or affiliate, a voter registration assistance agency, or an authorized voter registration volunteer's office, a registration is timely if the registrant completes or delivers the registration form before the office closes for business on the last day to register to vote.

For paper registration forms that are mailed to a County Recorder's office, a registration is timely if:

- The registration form is postmarked on or before the voter registration deadline and received by the County Recorder by 7:00 p.m. on Election Day; or
- The registration form is dated on or before the voter registration deadline and received by the County Recorder within five calendar days after the voter registration deadline.

[A.R.S. § 16-134\(C\)](#).

For UOCAVA registrants using an FPCA or FWAB, a registration form is timely if received by the County Recorder's or Secretary of State's office via mail, email, or fax by 7:00 p.m. on Election Day. [A.R.S. § 16-103\(C\)](#).

2. Voter Registration Form Received After Deadline

A registrant who registers to vote within 29 days of an election is eligible to vote at the election following the next election. [A.R.S. § 16-120\(A\)](#). For example, a person who registers ten days before the primary election is not eligible to vote in the primary election but is eligible to vote in the general election.

If the County Recorder receives a new voter registration form less than 29 days before an election, and the registrant is not a military or overseas voter using the FPCA or FWAB registration form, the County Recorder may either:

- Enter the registrant's information in the voter registration database; or
- Refrain from entering the registrant's information in the voter registration database until after the next election.

If a County Recorder receives a voter registration form less than 29 days before an election from an existing registrant, the County Recorder may update the record prior to Election Day if the County Recorder is reasonably satisfied the registrant will be a qualified elector in the precinct where he or she resides.

3. When Registration Deadline Falls on a Weekend or Holiday

If the 29-day registration deadline falls on a weekend or state holiday (regardless of whether a particular county office is open for business), a registrant may timely register by the next business day for state government. For example, if the registration deadline falls on Columbus Day (a Monday), a registrant is qualified to vote in the next election if he or she registers on the following Tuesday. [A.R.S. § 16-120\(B\)](#); *see also* [A.R.S. § 1-303](#) (listing state holidays).

Notwithstanding any state deadline, the Secretary of State has the authority to move the voter registration deadline in order to maintain compliance with the federal National Voter Registration Act (NVRA). Thus, the voter registration deadline will be moved closer to Election Day if the closure of state or federal offices would cause a method of registration to be unavailable within the 30-day period preceding the next election. For purposes of NVRA compliance, the registration deadline shall be applied uniformly across Arizona and is not subject to modification based on local business hours. [52 U.S.C. § 20507\(a\)\(1\)\(A\)-\(D\)](#); *Arizona Democratic Party v. Reagan*, No. CV-16-03618-PHX-SPL, 2016 WL 6523427, at *13 (D. Ariz. Nov. 3, 2016).

VIII. VOTER REGISTRATION LIST MAINTENANCE

A. Deceased, Felon, and Incapacitated Registrants

Though the Secretary of State does not directly cancel any registration records, the Secretary of State is responsible for importing certain information received from federal and state officials into the statewide voter registration database, pursuant to which the statewide voter registration system will automatically cancel “hard matches” on the following limited bases:

1. The registrant is deceased;
2. The registrant was convicted of a felony in court; or
3. The registrant was adjudicated mentally incapacitated by a court.

1. Deceased Registrants

The Arizona Department of Health Services (“DHS”) provides the Secretary of State with a file each month (along with a combined file each year) that contains the name, DOB, SSN, date of death, father’s name (if available), mother’s maiden name, and last known address of deceased Arizona resident who passed away during the applicable period. [A.R.S. § 16-165\(D\)](#).

Upon receipt and confirmation of proper formatting, the Secretary of State uploads the deceased registrant file into the statewide voter registration system. The system then initiates a matching process against registrant records in the statewide voter registration database.

a. Hard Match Criteria for Deceased Registrant Verification

For the purpose of verifying deceased resident information against the statewide voter registration database, a “hard match” occurs if the first three letters of the first and last name, DOB, and SSN match in both records.

If the statewide voter registration system finds a “hard match,” the registrant’s record is automatically placed in “canceled” status with a reason code of “deceased-automatic resolution” (or functional equivalent). The County Recorder need not send any confirmation of the cancellation to the registrant.

b. Soft Match Criteria for Deceased Registrant Verification

For the purpose of verifying deceased resident records against the statewide voter registration database, a “soft match” occurs if the first three letters of the first and last name and DOB match in both records or there is a “hard match” against more than one existing registrant record.

If the system finds a “soft match” between the deceased record and a registrant record, it will flag the records and notify the appropriate County Recorder of the need to review and compare the records. The County Recorder must conduct an individualized inquiry and determine whether a “true match” exists between the records.

If a County Recorder determines that a “true match” exists, the County Recorder must select “match” in the system. The registrant’s record will be automatically updated to “canceled” status with a reason code of “deceased.” The County Recorder need not send any confirmation of the cancellation to the registrant.

If the County Recorder determines that a “true match” does not exist, the County Recorder must select “no match” in the system. The registrant’s record will remain in its existing status without being placed in “canceled” status in the statewide voter registration database.

A County Recorder should follow the same procedures if the county directly receives deceased registrant information directly from DHS instead of the Secretary of State.

c. Other Sources of Information on Deceased Registrants

A County Recorder may also cancel a registrant’s record if the County Recorder determines that the registrant is deceased based on other reliable sources, *see* [A.R.S. § 16-165\(A\)\(2\)](#), including, but not limited to, death notices received by the County Recorder’s office and an affidavit of death from the registrant’s next of kin. A County Recorder should match as much information as possible (including first name, last name, maiden name (if applicable), year of birth, place of birth, and city or town of residence) and be reasonably certain that a “true match” exists before canceling a registrant. For example, newspaper or online obituaries alone may not suffice to cancel a registrant record without additional research and confirmation. In cases where the County Recorder cannot confirm a “soft match,” the County Recorder may send a letter to the registrant asking to confirm the information.

A registrant who passes away after casting a valid ballot is entitled to have his or her ballot tabulated.

2. Registrants Convicted of a Felony or Found Mentally Incapacitated

The Secretary of State is responsible for receiving felony conviction and mental incapacitation information from federal and state officials and processing the information through the statewide voter registration system.

a. Sources of Felony Conviction and Incapacitation Information

The Secretary of State electronically receives periodic files from Arizona superior courts and from the Maricopa County Superior Court containing the name, DOB, and SSN4 of Arizona residents recently convicted of a felony or found mentally incapacitated in that jurisdiction. Upon receipt and confirmation of proper formatting, the Secretary of State imports the file into the statewide voter registration system.

The Secretary of State also receives in various non-electronic formats: (1) additional felony conviction information from Arizona superior courts and the U.S. Department of Justice; and (2)

additional mental incapacitation information from Arizona superior courts. Upon receipt, the Secretary of State converts these records into the proper electronic format and imports these files into the statewide voter registration system.

b. Processing Felony Conviction and Incapacitation Information

The statewide voter registration system compares the felony and mental incapacitation records against the statewide voter registration database for potential matches.

A “hard match” occurs when the first three letters of the first and last name, DOB, and SSN4 match an existing registrant record. In this case, the registrant’s record is automatically placed in “canceled” status with the reason code of “felony – automatic resolution” or “declared incapacitated – automatic resolution” (or functional equivalent).

A “soft match” occurs when the first three letters of the first and last name and DOB match an existing registrant record (or there is a “hard match” against more than one existing record in the database). In this case, the system will flag the record for individual resolution by the applicable County Recorder. If the County Recorder finds a “true match,” the record may be placed in “canceled” status with the reason code “felony” or “declared incapacitated” (or functional equivalent). The County Recorder must send a letter to the registrant confirming any cancellation based on a felony conviction or finding of mental incapacitation.

A County Recorder should follow the same procedures if the county directly receives felony conviction or mental incapacitation information from a court instead of the Secretary of State.

A County Recorder may reinstate a registrant’s record if the registrant was canceled based on mental incapacitation, but the registrant retained the right to vote by court order and was erroneously cancelled. If the registrant was canceled based on a felony conviction but later had his or her civil rights restored, the registrant must submit a new voter registration in order to be re-registered.

B. Secretary of State Duties to Forward Registrant Information

The Secretary of State also periodically receives registrant information that must be processed and forwarded to County Recorders for final resolution, as described below.

1. Information Received from Out-of-State Jurisdictions

The Secretary of State occasionally receives correspondence from out-of-state jurisdictions providing information about Arizona registrants. The Secretary of State will promptly forward the correspondence to the applicable County Recorder(s) by email. The Secretary of State may not cancel any registration records or otherwise initiate any process through the statewide voter registration system based on the out-of-state correspondence. A County Recorder should treat the information as a “soft match” and conduct an individualized inquiry before canceling any registration record.

2. Information Received Through Multi-State Compacts

Arizona is a member of the Electronic Registration Information Center (“ERIC”). The Secretary of State is responsible for acquiring, sorting, and distributing registrant information received from ERIC to the County Recorders.

3. Juror Disclosure of Felony Conviction

Election officials periodically receive court records or information regarding prospective jurors who acknowledged a felony conviction on a juror questionnaire. If a County Recorder receives such information, the County Recorder must cancel any registrant record that is a “true match” against the juror information, using the reason code “juror questionnaire - felony” (or functional equivalent). [A.R.S. § 16-165\(A\)\(4\)](#). The County Recorder must also send a letter informing the registrant of the cancellation.

A County Recorder must ensure that a registration is not canceled twice for the same felony conviction. For example, the statewide voter registration system might have automatically canceled the registration upon being notified of the felony conviction through court records pursuant to Chapter 1, Section VIII(A)(2), and the registrant could have re-registered (following restoration of his or her civil rights) before the juror questionnaire information was provided to the County Recorder about the same felony conviction. Thus, before canceling a registration record based on a juror questionnaire, the County Recorder should confirm that the registrant did not have a prior registration record recently canceled on account of a felony conviction.

4. Juror Disclosure of Non-Citizenship

Election officials also periodically receive court records or information regarding prospective jurors who stated on a juror questionnaire that they are not a U.S. citizen. If a County Recorder receives such information, the County Recorder may cancel any registrant record that is a “true match” only after completing the following steps:

1. Confirm that the registrant does not already have valid proof of citizenship documented in the statewide voter registration database (if the registrant has DPOC on file, the County Recorder may not cancel the registrant’s record based solely on the juror questionnaire);
2. If the registrant has no DPOC on file, send a letter to the registrant (including a DPOC Submission Form/ Juror Questionnaire Non-Citizen Notice, *see* Chapter 17 for sample forms) within ten business days, informing the registrant that:
 - The County Recorder has received information indicating that the registrant stated on a juror questionnaire that he or she is not a U.S. citizen;
 - The registrant has not previously provided valid DPOC; and
 - The registrant must submit DPOC within 35 days of the date of the notice to remain eligible to vote and the registrant will be updated to “full-ballot” status upon submission of DPOC; and

- The registrant’s record will be canceled if the registrant does not submit DPOC within 35 days.

If the registrant does not submit valid DPOC by the 35-day deadline, the County Recorder must change the registrant’s status to “canceled” with the reason code “juror questionnaire - citizenship.” The County Recorder must also send a letter notifying the registrant of the cancellation and providing instructions on how to re-register and provide valid DPOC.

5. Juror Disclosure of Out-of-County Residency

If a County Recorder receives court documents or other information regarding prospective jurors who stated on a juror questionnaire that they are not a resident of the county and the County Recorder confirms a “true match” with a registrant record, the County Recorder must send a letter to the registrant within ten business days. The letter must:

- Inform the registrant that the County Recorder was notified the registrant indicated on a juror questionnaire that the registrant is not a resident of the county; and
- Include a voter registration form or an appropriate internet address through which the registrant can update his or her address.

If the letter is returned undeliverable, the County Recorder must send a follow-up notice within 21 days, which constitutes the “Final Notice” pursuant to the NVRA process; the registrant’s record may be canceled through the NVRA process if he or she does not timely respond to the final notice *and* fails to vote in any election in two federal/statewide general election cycles. *See* Chapter 1, Section VIII(C) for details on the NVRA process.

C. Cancellation Through NVRA Process Due to Address Changes

One of the principal ways to ensure the accuracy of registration records is to update records based on a registrant’s change of address. [52 U.S.C. § 20507\(a\)\(4\)\(B\)](#). A County Recorder receives address change information in various ways: directly from the registrant, from the U.S. Postal Service’s (“USPS”) National Change of Address (“NCOA”) service, through returned mail from USPS, or from ERIC reports. A County Recorder may update (and in some cases cancel) a registration record depending on the circumstances.

Unless the registrant appears on an NCOA or ERIC report, one piece of returned official election mail alone is not sufficient to cancel a registrant’s record. Rather, a County Recorder generally must send two official election mailings to the registrant, and only if a registrant does not respond to those mailings or vote during a specified period after those mailings were sent, is the County Recorder permitted to cancel the record. The requirements below are outlined in NVRA and the process is referred to here as the “NVRA process.”

1. Initiating the NVRA Process Based on Returned Election Mail

To invoke the NVRA process based on returned election mail, a County Recorder must complete the following steps:

1. Send an official election mailing by non-forwardable, first-class mail marked with a statement required by USPS to receive an address correction notification (the “First Notice”). Official election mail includes but is not limited to:
 - A voter ID card;
 - A 90-day notice to PEVL registrants issued pursuant to [A.R.S. § 16-544\(D\)](#);
 - A mailed ballot issued pursuant to [A.R.S. § 16-542](#) or [A.R.S. § 16-544](#);
 - Any other first-class, non-forwardable official election mail.
2. If the election mail is returned undeliverable, the County Recorder must send a follow-up notice to the registrant within 21 days after the mail is returned to the County Recorder (the “Final Notice”). If the returned mail contains a forwarding address for the registrant, the County Recorder must send the Final Notice to the new address. Otherwise, the County Recorder must send the Final Notice to the same address used for the initial mailing.
3. The Final Notice must contain a voter registration form or an appropriate internet address through which the registrant can update his or her address. The Final Notice also must warn the registrant that if a new voter registration form is not returned within 35 days, the registrant will be placed in “inactive” status.
4. If the registrant does not submit a new voter registration form or otherwise update his or her address by the 35-day deadline, the County Recorder must change the registrant’s status to “inactive” with the reason code “NVRA inactive address” (or functional equivalent).

[A.R.S. § 16-166\(A\), \(C\), \(E\)](#); [A.R.S. § 16-544\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#).

The registrant may be canceled through the NVRA process if the registrant:

- Does not timely respond to the Final Notice by submitting a new registration form or otherwise update their voter registration address with the County Recorder; *and*
- Fails to vote in any election in two federal/statewide general election cycles following the Final Notice.

[A.R.S. § 16-165\(A\)\(7\)](#); [A.R.S. § 16-166\(E\)](#); [52 U.S.C. § 20507\(b\)\(2\), \(d\)\(1\)\(B\), \(d\)\(2\)](#).

If the preceding conditions have been met, under NVRA, the registrant’s record may be canceled after four years from the date of the Final Notice or following the second general election after the Final Notice. [A.R.S. § 16-166\(C\), \(E\)](#).

2. Special Procedures Applicable to NCOA Notices

A County Recorder is permitted, but not required, to utilize USPS's NCOA service to preliminarily identify registrants who have moved. [52 U.S.C. § 20507\(c\)\(1\)\(A\)](#); [A.R.S. § 16-166\(E\)](#). Since NCOA data reflects actual change-of-address information the registrant has provided to USPS, the NVRA authorizes a special process to be utilized for list maintenance purposes. The NCOA data serves the same function as a First Notice that is returned undeliverable. Thus, a County Recorder need only send one additional notice, which serves as the Final Notice, to invoke the NVRA process.

If the County Recorder chooses to use NCOA data, any *initial* notice pursuant to this Section must be sent on or before May 1 of a general election year. The County Recorder may also send additional notices after May 1. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#); [A.R.S. § 16-166\(E\)](#). Sending this notice by May 1 also allows a County Recorder to simultaneously send a 90-day notice to Permanent Early Voting List (PEVL) voters for the primary election in the same mailing. [A.R.S. § 16-544\(D\)](#).

a. When NCOA Data Indicates Out-of-County Move

If NCOA data indicates that the registrant moved outside the county, the County Recorder must send a notice to the new address by forwardable mail informing the registrant how to remain eligible to vote. The notice must:

- Enclose a postage prepaid and preaddressed return card by which the registrant may confirm the intent to cancel his or her registration;
- Notify the registrant to re-register if he or she moved to another county; and
- Notify the registrant to update the County Recorder within 29 days of the letter if the registrant's change-of-address was only temporary.

[52 U.S.C. § 20507\(c\)\(1\)\(B\)\(ii\), \(d\)\(2\)\(B\)](#); [A.R.S. § 16-166\(E\)](#). This letter serves as a Final Notice in the NVRA process.

b. When NCOA Data Indicates In-County Move

If the NCOA data indicates that the registrant moved within the county, the County Recorder must supplement the registrant's record with the unconfirmed address obtained through NCOA. The County Recorder also must send a notice to the new address by forwardable mail to provide the registrant an opportunity to confirm the address change. The notice must:

- Notify the registrant that the County Recorder updated the registrant's record with the new address;
- Enclose a postage prepaid and pre-addressed return card by which the registrant may confirm the address change;
- Notify the registrant that if he or she does not confirm the new address within 35 days, the registrant will be placed in "inactive" status.

[A.R.S. § 16-166\(E\)](#). This letter serves as a Final Notice in the NVRA process.

3. NVRA Recordkeeping Responsibilities

A County Recorder must track all Final Notices sent to a registrant, along with any communication from the registrant received in response to a Final Notice, with a registrant's record in the voter registration database. [52 U.S.C. § 20507\(i\)\(2\)](#).

D. Prohibition on Systematic Cancellations within 90 Days of Election

A County Recorder must complete any program to systematically cancel registration records at least 90 days before a primary or general election. [52 U.S.C. § 20507\(c\)\(2\)\(A\)](#). Systematic programs include the cancellation of records through the NVRA process described in Chapter 1, Section VIII(C). However, the 90-day prohibition does not preclude cancellation of records based on:

- Automatic cancellations through the statewide voter registration system of hard matches based on death, felony conviction, or mental incapacitation;
- Merging/cancellation of duplicate records (whether manual or automatic) when processing new voter registration forms;
- Cancellation at the request of the registrant; and
- Cancellation of records added to the voter registration database in error.

[52 U.S.C. § 20507\(c\)\(2\)\(B\)](#).

IX. REPORTING VOTER REGISTRATION STATISTICS

Each County Recorder must report to the Secretary of State and the officer in charge of elections the number of active and inactive county registrants as of the following dates:

- **In even-numbered years:**
 - January 2;
 - The last day to register to vote for the March presidential preference election;
 - April 1;
 - The last day to register to vote for the August primary election; and
 - The last day to register to vote for the November general election.
- **In odd-numbered years:**
 - January 2;
 - April 1;
 - July 1; and
 - October 1.

In addition, registration reports must be provided to the Secretary of State as of the registration deadline for any special election. [A.R.S. § 16-168\(G\)](#).

The reports must be broken down by political party and according to precinct, legislative district, and congressional district. For reporting purposes, political parties are limited to the Republican Party, Democratic Party, Libertarian Party (assuming they remain qualified for statewide recognition), Green Party (assuming they remain qualified for statewide recognition), “other” political parties, and any other statewide recognized political party that qualifies for representation on the ballot at the time of the report. The “other” total reported to the Secretary of State should include all registrants registered as “other,” “independent,” or any non-recognized political party.

These totals should be reported to the Secretary of State as soon as practicable following the applicable cutoff dates. [A.R.S. § 16-168\(H\)](#). The totals must include only registrations as of the reporting cutoff periods.

For reports prepared as of a registration cutoff date, the County Recorder should ensure that the same active and inactive registration numbers reported to the Secretary of State match any registration statistics reported to the officer in charge of elections for purposes of determining voter turnout.

As soon as practicable upon receipt of all 15 county reports, the Secretary of State must prepare, publish, and retain a statewide summary of the voter registration statistics. [A.R.S. § 16-168\(H\)](#).

A. “Federal-Only” Registration and Ballot Report

The County Recorder or other officer in charge of elections must file a report with the Secretary of State, and post on the County Recorder’s website, the number of people who are registered to vote using the state or federal form who have not provided proof of citizenship. In even-numbered years, the report must be made on January 2, April 1, and the last day on which a person may register to be eligible to vote in the next primary, general, or presidential preference election. In odd numbered years, the report must be made on January 2, April 1, July 1, and October 1. Additionally, after each general election, the County Recorder must post on the County Recorder’s website the number of ballots cast by those eligible to vote for federal offices only. [A.R.S. § 16-161\(B\)](#); [A.R.S. § 16-168](#).

X. PROVISION OF REGISTRATION DATA TO THIRD PARTIES

A. Precinct Lists to Recognized Political Parties

Each County Recorder must provide, at no cost, a list of active and inactive registered voters to the State and County Chairpersons of the recognized political parties that are entitled to continued representation on the ballot pursuant to [A.R.S. § 16-804](#). [A.R.S. § 16-168\(C\)-\(D\)](#).

1. Content of Political Party Precinct Lists

The precinct list must contain the following information about each registrant:

1. Registrant's full name, which includes first name, middle name, last name, and suffix in different columns;
2. Party preference;
3. Date of registration;
4. Residence address;
5. Mailing address (if different from residence address);
6. Zip code;
7. Telephone number (if available);
8. Birth year;
9. Occupation (if available);
10. Voting history for the past four years, including which party ballot was issued and method of voting (polling place, early, or provisional);
11. Whether the registrant is on the PEVL;
12. Voter ID number; and
13. Registrant's registration status and status reason.

[A.R.S. § 16-168\(C\)](#). If the list is provided in printed format, the list must be created in alphabetical order (by registrant last name) and be organized by precinct, unless otherwise agreed. [A.R.S. § 16-168\(E\)](#).

2. Timing of Political Party Precinct Lists

A County Recorder must provide precinct lists as of the following dates in even-numbered years:

- January 2;
- The last day to register to vote for the March presidential preference election;
- April 1;
- The last day to register to vote for the August primary election; and
- The last day to register to vote for the November general election.

[A.R.S. § 16-168\(C\)-\(D\), \(G\)\(1\)](#).

A County Recorder must provide precinct lists as of the following dates in odd-numbered years:

- January 2;
- April 1;

- July 1; and
- October 1.

[A.R.S. § 16-168\(C\)-\(D\), \(G\)\(2\).](#)

Precinct lists developed for the primary and general election must be provided within eight days after the close of registration. [A.R.S. § 16-168\(C\)](#). Otherwise, the remaining precinct lists must be provided within ten business days after the applicable reporting dates. [A.R.S. § 16-168\(D\)](#).

3. Requests for Political Party Precinct Lists

To receive precinct lists at no cost, a recognized political party must seek precinct lists from the applicable County Recorder within eight days after the close of registration for precinct lists developed for the primary and general election or within ten business days after any other applicable reporting dates. [A.R.S. § 16-168\(C\), \(D\), \(L\)](#).

A County Recorder need not provide this precinct list for the primary or general election to a recognized political party if that party will have less than four partisan candidates (other than presidential electors) on that county's ballot. [A.R.S. § 16-168\(C\)](#).

A recognized political party may seek precinct lists from the Secretary of State only if the applicable County Recorder fails or refuses to provide the list. In this case, the Secretary of State may charge the County Recorder a fee to produce the records as outlined in Chapter 1, Section X(C) below. [A.R.S. § 16-168\(L\)](#).

B. Use of County Registration Rolls by Political Subdivision

Any political subdivision of the state, including a city or town, may use the county registration rolls to conduct an election. At least 60 days before any such election, the governing body of the political subdivision shall negotiate a contract with the County Recorder to reimburse the County Recorder for the *actual* expenses in preparing the necessary lists for use in the election. The County Recorder shall not charge more than the actual additional costs that such preparation entails. [A.R.S. § 16-172](#).

C. Public Records Requests by Third Parties

Any person or organization may make a public records request for registrant information to a County Recorder or the Secretary of State. [52 U.S.C. § 20507\(I\)](#); [A.R.S. § 16-168\(E\), \(K\)](#); [A.R.S. § 39-121.01\(D\)](#). A County Recorder or the Secretary of State may require a properly-completed public records request form to be submitted before responding to the public records request. Records should be produced within 30 days of receipt of a proper request. [A.R.S. § 16-168\(E\)](#).

Copies of registrant records may be provided exclusively in electronic format, including via a password-protected File Transfer Protocol (FTP) site, Virtual Private Network (VPN), or other secured method of electronic transmission. In addition to the fees set forth in [A.R.S. § 16-168\(E\)](#),

the County Recorder or the Secretary of State may charge for the cost of an electronic storage medium in which to deliver the records in a password-protected format.

If a person or organization requests to inspect registrant records in lieu of requesting copies, a County Recorder or the Secretary of State may establish how and under what conditions the records may be inspected. [A.R.S. § 16-168\(F\)](#).

1. Scope of Registrant Records Not Subject to Disclosure

The following components of a registrant's record are confidential and may not be viewed, accessed, reproduced, or disclosed to a member of the public:

- Month and day of birth;
- Social security number (or any portion thereof);
- Driver license number or non-operating identification license number;
- Indian census number;
- Father's name;
- Mother's maiden name;
- State or country of birth;
- Signature;
- Email address;
- Any registration source code or other indication of location of registration;
- Any documents submitted as proof of citizenship; or
- Any secured record.

The information listed above may be viewed, accessed, or reproduced by the registrant (if the information pertains to the registrant's own record), an authorized government official in the scope of the official's duties, a voter registration assistance agency, or pursuant to a court order. If requested for news gathering purposes by a person engaged in newspaper, radio, television, or reportorial work, a County Recorder may condition release of such confidential information (other than secured records) upon execution of a non-disclosure agreement.

A registrant's signature may be viewed or accessed by a member of the public only for purposes of verifying signatures on a candidate, initiative, referendum, recall, new party, or other petition or for purposes of verifying candidate filings. [A.R.S. § 16-168\(F\)](#). A County Recorder may establish the conditions under which the signature may be viewed or accessed, including prohibition of photography.

2. Permissible Uses of Registrant Records

Registrant records may only be used for political or political party activity, a political campaign or election, revising district boundaries, or any other purpose specifically authorized by law. [A.R.S. § 16-168\(E\), \(N\)](#).

A person or organization in possession of a precinct list or other registrant information may not allow the list or information to be used, sold or otherwise transferred for any purpose except those authorized above, including posting to the internet. [A.R.S. § 16-168\(F\)](#).

The County Recorder or Secretary of State shall deny a public records request intended for a commercial purpose. The sale of precinct lists or registrant records to a candidate or political committee for a political or campaign use does not constitute a prohibited commercial purpose. [A.R.S. § 16-168\(E\)](#).

CHAPTER 2: EARLY VOTING

Any election in Arizona, including special taxing district elections, must provide for early voting, which includes no-excuse ballot-by-mail and in-person early voting. [A.R.S. § 16-541](#). An all ballot-by-mail election incorporates aspects of early voting, but is subject to the specific requirements outlined in Chapter 3.

I. BALLOT-BY-MAIL

Without providing any reason or justification, a voter may request to be sent a ballot-by-mail on a one-time or permanent basis.

A. One-Time Requests to Receive a Ballot-by-Mail

A voter may request a ballot-by-mail for a specific election, which may include a simultaneous request for both a primary and general election ballot-by-mail. [A.R.S. § 16-542\(A\)](#). A registrant may make a ballot-by-mail request to the County Recorder or other county officer in charge of elections, who must document a voter's one-time ballot-by-mail request in the voter's registration record.

Candidates, political committees, or other organizations are permitted to distribute ballot-by-mail request forms to voters. Such request forms shall be submitted to the County Recorder within six business days after receipt by a candidate, political committee or other organization or 11 days before Election Day, whichever is earlier. [A.R.S. § 16-542\(I\), \(J\)](#). The request forms must seek all the information required under Chapter 2, Section I(A)(4).

1. Eligibility to Request a Ballot-by-Mail

Any qualified elector may request a ballot-by-mail containing the races in which he or she is eligible to vote. [A.R.S. § 16-541](#). However, for an election that includes a federal office, first-time voters who registered to vote by mail must prove identity before requesting a ballot-by-mail. [52 U.S.C. § 20183\(b\)](#); see Chapter 1, Section IV(J) for more details on the HAVA identification requirements.

2. Time Period to Request a Ballot-by-Mail

A voter may request a ballot-by-mail between 93 and 11 days before the election. [A.R.S. § 16-542\(A\), \(E\)](#). A voter may simultaneously request a ballot-by-mail for both a primary and general election as long as the request is made between 93 and 11 days before the *primary* election. However, UOCAVA voters may make a request for a ballot-by-mail more than 93 days before an election. [A.R.S. § 16-542\(B\)](#).

3. Methods to Request a Ballot-by-Mail

A voter may request a ballot-by-mail orally or in writing, including in-person, online, or by telephone, email, fax, or mail. A voter may update his or her residence or mailing address in his or her voter registration record through a written (but not oral) ballot-by-mail request form.

4. Ballot-by-Mail Request Form

For written or online requests, a ballot-by-mail request form created by County Recorders must contain the following:

1. The title “Ballot-by-Mail Request;”
2. The county name;
3. Entry fields for:
 - a. The voter’s name;
 - b. The voter’s residential address or residence location;
 - c. The voter’s mailing address where the ballot-by-mail should be sent;
 - d. The voter’s date of birth;
 - e. State or country of birth, or another piece of information that, if compared to the voter’s record, would confirm the voter’s identity;
 - f. The voter’s telephone number (paper forms only);
 - g. The voter’s signature (paper forms only);
 - h. The voter’s email address (optional);
 - i. The election or election date(s) for which a ballot-by-mail is being requested;
4. If the voter is not registered with a recognized political party and is requesting a primary election ballot, an entry field for the registrant to specify the political party ballot being requested;
5. A method to indicate whether the voter would like to update his or her registration record with the information provided in the ballot-by-mail request form; and
6. A notice that the completed ballot-by-mail request must be received by the County Recorder by 5:00 p.m. on the 11th day preceding the election.

In addition to the County Recorder’s official paper or online ballot-by-mail request form, a voter may use any other substantially similar written document to make a one-time request to be sent a ballot-by-mail.

[A.R.S. § 16-542\(A\), \(E\).](#)

5. Minimum Requirements for Requesting a Ballot-by-Mail

In order for the County Recorder to process a ballot-by-mail request, the request must contain at least the following information:

1. The voter's name;
2. The voter's residential address;
3. The voter's date of birth;
4. At least one of the following:
 - The voter's state or country of birth; or
 - Another piece of information that, if compared to the voter's record, would confirm the voter's identity.

In addition, for partisan primary elections, a voter who is not registered with a recognized political party must indicate which political party ballot he or she wishes to receive. [A.R.S. § 16-542\(A\), \(E\)](#).

6. Requesting Political Party Ballot for a Primary Election

If a voter requests a one-time ballot-by-mail for a primary election, but the voter is not registered with a recognized political party, the voter must designate a recognized political party ballot in order to receive a ballot-by-mail for that primary election. [A.R.S. § 16-542\(A\)](#).

The voter may request only one political party ballot for each election. Requesting a political party ballot does not change the voter's political party preference in his or her registration record. In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 29 and 45 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

In lieu of requesting a party ballot for the partisan primary, a voter who is not registered with a recognized political party may request a non-partisan ballot if a non-partisan election is being conducted at the same time as the partisan primary and if the voter is eligible to vote a non-partisan ballot.

7. Incomplete Ballot-by-Mail Requests

If a ballot-by-mail request does not contain the voter's name, residential address, date of birth, party ballot designation (for voters not registered with a recognized political party who are requesting a ballot-by-mail for a partisan primary election), or other verifying information, the County Recorder must notify the voter (by mail, telephone and/or email) within a reasonable period if the County Recorder has sufficient contact information to do so. If the ballot-by-mail request form does not contain contact information, the County Recorder must check the

registrant's record for contact information. [A.R.S. § 16-542\(E\)](#).

If the voter provides the missing information by the 11th day before the election, the voter must be mailed a ballot-by-mail for that election. If the voter provides the missing information after the 11th day before the election, the County Recorder may send the voter a ballot-by-mail for that election if the County Recorder has sufficient time to do so.

B. Requests to Be Placed on the Permanent Early Voting List

A voter may request to be placed on the Permanent Early Voter List (PEVL) and receive a ballot-by-mail for each election he or she is eligible for. [A.R.S. § 16-544\(A\)](#).

Unless a PEVL voter notifies the County Recorder at least 45 days before an election that the voter does *not* wish to receive a ballot-by-mail, a County Recorder will automatically schedule the mailing of a ballot-by-mail to the voter. [A.R.S. § 16-544\(F\)](#). However, for an open partisan primary election, the County Recorder will not mail a ballot to a voter who is not registered with a recognized political party unless the voter timely selected a political party ballot. [A.R.S. § 16-544\(G\)](#).

1. PEVL Eligibility

Any qualified elector may request to be placed on the PEVL. [A.R.S. § 16-544\(A\)](#).

A first-time voter with “federal-only” status who registered by mail (*i.e.*, has a “FED” designation) and requests to be placed on the PEVL must first prove his or her identity prior to receiving a ballot-by-mail. [52 U.S.C. § 20183\(b\)](#); *see* Chapter 1, Section IV(J) for more details on the HAVA identification requirements.

A UOCAVA voter also may request to be placed on the PEVL, however ballots are transmitted to these voters at least 45 days before the election. [A.R.S. § 16-544\(J\)](#). If a PEVL voter loses his or her UOCAVA status, the voter shall continue to receive a ballot-by-mail at his or her designated mailing address unless the address is outside of Arizona. However, even if the voter's mailing address is in Arizona, the voter, upon losing UOCAVA status, may not receive or return a ballot by fax or other electronic means and the ballot will not be sent until 27 days (rather than 45 days) before the election unless the voter submits a new FPCA form.

A voter enrolled in the PEVL may not request that ballots be automatically sent to an out-of-state address for each election unless the voter is also a UOCAVA voter. However, a PEVL voter may make one-time requests to have his or her ballot mailed to an address outside of Arizona for specific elections. [A.R.S. § 16-544\(B\)](#).

2. Time Period to Request Placement on the PEVL

A voter may request to be placed on the PEVL at any time. However, in order for a ballot to be mailed to the voter for a specific election, the PEVL request must be received no later than 5:00 p.m. on the 11th day before the election. [A.R.S. § 16-542\(A\), \(E\), \(F\)](#). If a voter requests to be

placed on the PEVL less than 11 days before the election, no ballot will be mailed to the voter for that next election (unless the County Recorder has time to do so), but the voter's PEVL status will be activated for future elections.

3. Methods to Request Placement on the PEVL

A voter may request to be placed on the PEVL by:

- Selecting the PEVL request box on the State Form;
- Selecting the PEVL request option on an Online EZ Voter Registration;
- Submitting a PEVL request form issued by a County Recorder; or
- Making any other written request that contains the minimum required information for a PEVL request.

If a registrant makes a request to be added to the PEVL other than through an initial voter registration, the County Recorder must compare the signature on the PEVL request form with the signature in the registrant's record to determine whether the same person signed both forms before adding the voter to the PEVL. [A.R.S. § 16-544\(C\)](#).

After a valid request, a County Recorder must update the voter's registration record to reflect PEVL status. [A.R.S. § 16-544\(C\)](#).

4. PEVL Request Form

A PEVL request form created by County Recorders must contain substantially the following:

1. The title "Permanent Early Voter List Request";
2. The county name;
3. Entry fields for:
 - The voter's name;
 - The voter's residential address or location;
 - The voter's mailing address in the state;
 - The voter's date of birth; and
 - The voter's signature;
4. A method to indicate whether the voter would like to update his or her registration record with the information provided in the PEVL request form;
5. A statement that the voter is attesting that he or she is a registered voter who is eligible to vote in the county of residence; and
6. The statement "I authorize the County Recorder to add my name to the permanent early voting list and by doing so the County Recorder will automatically mail a ballot-by-mail to me for each election for which I am eligible."

A County Recorder may add additional language to a PEVL request form.

In addition to the County Recorder's official PEVL request form, a voter may use any other substantially similar written document to request PEVL status.

5. Minimum Requirements for Requesting Placement on the PEVL

A valid written PEVL request must contain, at minimum, the voter's:

- Name;
- Residence address or location within the county;
- Mailing address within the state (if different from residential address);
- Date of birth; and
- Signature.

[A.R.S. § 16-544\(B\)](#). The voter may not list an out-of-state address unless the voter is a UOCAVA voter. [A.R.S. § 16-544\(B\)](#).

6. Incomplete Requests for Placement on the PEVL

If the PEVL request does not contain the voter's name, residence address, mailing address in the state, date of birth, or signature, or contains a signature that does not match the signature in the registrant's record, the County Recorder must notify the voter (by mail, telephone, text, and/or email) within a reasonable period if the County Recorder has enough information to do so. If the PEVL request form does not contain contact information, the County Recorder must check the registrant's record for contact information.

If the voter provides the missing information or confirms any mismatched signature by the 11th day before the election, the voter must be mailed a one-time ballot-by-mail for that election and be added to the PEVL for future elections. If the voter provides the missing information after the 11th day before the election, the County Recorder may send the voter a ballot-by-mail for that election if the County Recorder has sufficient time to do so.

7. Removal from the PEVL

A voter may be removed from the PEVL under the following circumstances:

- The voter makes a written request to be removed from the PEVL, which includes the voter's name, residence address, date of birth, and signature;
- The 90-day notice (discussed in Chapter 2, Section I(B)(9) below) is returned as undeliverable and the County Recorder is unable to contact the voter to confirm the voter's continued desire to remain on the PEVL; or
- The voter's registration record is placed in an "inactive" or "canceled" status.

Upon receipt of voter's request to be removed from the PEVL, the County Recorder must remove the voter as soon as practicable. A County Recorder may not remove a voter from the PEVL list for failure to vote or for voting in-person rather than using the ballot-by-mail. [A.R.S. § 16-544\(H\)-\(I\), \(K\)](#).

8. Third-Party Distribution/Receipt of PEVL Request Forms

As for one-time ballot-by-mail request forms, candidates, political committees, or other organizations are permitted to distribute PEVL request forms to voters. [A.R.S. § 16-544\(L\)](#). The request forms must seek all the information required under Chapter 2, Section I(B)(4).

If a candidate, political committee, or other organization receives a completed request form, the candidate, political committee, or other organization must return the request form to the applicable County Recorder within six business days of receipt or 11 days before Election Day, whichever is sooner. Failure to timely return completed request forms may result in a civil penalty of \$25 per day for each form withheld. Any person who knowingly fails to return completed PEVL request forms by the submission deadline may be guilty of a class 6 felony. [A.R.S. § 16-544\(M\)](#).

If the request forms include a printed return address, the address must be the County Recorder's office in the political subdivision that will conduct the election. Failure to use the County Recorder's return address may result in a civil penalty up to three times the cost of the production and distribution of the PEVL request form. [A.R.S. § 16-544\(L\)](#).

9. Notice to PEVL Voters in Advance of the Election

A County Recorder must mail a notice to all eligible PEVL voters at least 90 days before any polling place election (*i.e.*, any election not conducted as a ballot-by-mail election, *see* Chapter 3) scheduled in March or August, including the PPE. [A.R.S. § 16-544\(D\)](#). A County Recorder may not issue a combined 90-day notice for the March and August elections, but may issue a combined 90-day notice for a March/May election or an August/November election.

The notice must be sent by non-forwardable mail (with a request to receive an address correction notification) and include the following information:

1. A statement that the County Recorder's records indicate that the voter is on the Permanent Early Voting List;
2. The dates of the elections that are the subject of the notice;
3. The expected mailing date of the voter's ballot;
4. The voter's mailing address, and an indication that it is the address where the ballot(s) will be mailed;
5. An indicator of the voter's party affiliation;
6. A checkbox to allow the voter to remove the voter's name from the PEVL; and

7. A checkbox to request that the ballot-by-mail not be mailed for the elections listed on the notice.

The notice must include a postage prepaid means for the voter to:

1. Designate a political party ballot (only if the upcoming election is an open partisan primary and the voter is not registered with a recognized political party);
2. Change the mailing address to another location within the state;
3. Update the voter's residence address in the county of residence; and
4. Request that the voter not be sent a ballot for the upcoming election or elections indicated in the notice.

If an election is not formally called within 120 days of the scheduled election, the County Recorder is not required to send a 90-day notice. [A.R.S. § 16-544\(D\)](#).

a. 90-Day Notice to PEVL Voters Not Affiliated with a Recognized Political Party

If the upcoming election is an open partisan primary election and the PEVL voter is not registered with a recognized political party, the 90-day notice must include a means for the voter to designate a political party ballot. [A.R.S. § 16-544\(D\)](#). Requesting a party ballot does not change the voter's political party preference in his or her registration record.

If a PEVL voter does not designate a party ballot within 45 days of the election, the voter will not be automatically sent a ballot-by-mail for that primary election but the voter's name will remain on the PEVL for future elections. To vote early by mail in that election, the voter must make a one-time ballot-by-mail request and designate a party ballot. [A.R.S. § 16-542\(A\)](#); [A.R.S. § 16-544\(G\)](#).

In general, once a County Recorder mails the requested party ballot, a voter may not request or receive a different party ballot. If a voter re-registers to vote with a recognized political party between 29 and 45 days before the election, however, the voter must be sent a party ballot that corresponds to the new party. If the voter had requested a different party ballot prior to re-registering to vote, the prior ballot should not be mailed (or if already mailed, should be voided).

In lieu of requesting a party ballot for the partisan primary, an eligible PEVL voter may request a non-partisan ballot if a non-partisan election is being conducted at the same time and the voter is eligible to vote a non-partisan ballot.

b. 90-Day Notice Returned Undeliverable

If the 90-day notice is returned undeliverable to the County Recorder, the County Recorder must notify the PEVL voter (if the County Recorder has contact information for the voter) to attempt to update the voter's address.

An undeliverable 90-day notice also serves as a First Notice under the “NVRA process.” *See* Chapter 1, Section VIII(C). If the voter is moved to “inactive” status as a result of the “NVRA process,” a ballot shall not be automatically sent to the voter. [A.R.S. § 16-544\(E\)](#). The voter may be placed back on the PEVL upon updating the voter’s address and submitting a new PEVL request.

C. Creation and Preparation of Early Ballots

The County Board of Supervisors is responsible for preparing early ballots, including ballots-by-mail, to be used in federal, statewide, legislative, and countywide elections. [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#); [A.R.S. § 16-545\(B\)\(1\)](#). The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

An early ballot must be identical to a polling place ballot in content and format, except an early ballot must have the word “early” printed or stamped on the ballot. [A.R.S. § 16-545\(A\)](#).

1. Components of the Ballot-by-Mail Mailing

Only official election materials, as determined by the County Recorder, are permitted to be included in the ballot-by-mail mailing. Lists of official write-in candidates or withdrawn candidates may not be included in the mailing.

2. Required Return Envelope

The postage prepaid return envelope must:

- Contain the County Recorder’s name, official title, and the post office address of the County Recorder (or other officer in charge of elections) on the front side of the return envelope (as explained below, a mailing envelope separate from the ballot affidavit may be used);
- Contain a statutorily-prescribed voter affidavit on the back side of the return envelope (see below);
- Be tamper evident when properly sealed;
- Contain any required statement by the U.S. Post Office for election mail, including the election mail logo; and
- Be opaque so as not to reveal the voter’s vote choices.

[A.R.S. § 16-547\(A\)](#); [A.R.S. § 16-545\(B\)\(2\)](#).

The voter affidavit must substantially contain at least the following language:

I declare the following under penalty of perjury: I am a registered voter in _____ county Arizona, I have not voted and will not vote in this election in any other county or state, I understand that knowingly voting more than once in any election is a class 5

felony and I voted the enclosed ballot and signed this affidavit personally unless noted below.

If the voter was assisted by another person in marking the ballot, complete the following:

I declare the following under penalty of perjury: At the registered voter's request I assisted the voter identified in this affidavit with marking the voter's ballot, I marked the ballot as directly instructed by the voter, I provided the assistance because the voter was physically unable to mark the ballot solely due to illness, injury or physical limitation and I understand that there is no power of attorney for voting and that the voter must be able to make their selection even if they cannot physically mark the ballot.

Name of voter assistant: _____

Address of voter assistant: _____

[A.R.S. § 16-547\(A\)](#). The affidavit must also request an optional telephone number or email address to enable the County Recorder to contact the voter in case there is a deficiency with the early ballot.¹⁴

For ballot-by-mail elections, the County Recorder or other officer in charge of elections may supplement the early ballot affidavit with additional language required for issuance of replacement ballots pursuant to [A.R.S. § 16-558.02\(A\)](#). See Chapter 3, Section IV.

In lieu of printing the ballot affidavit on the exterior of the return envelope, a County Recorder may also include a postage prepaid secrecy envelope. In this circumstance, the voter is directed to place his or her marked ballot in the standard return envelope that contains the early ballot affidavit; the voter must then place the standard return envelope inside the postage prepaid secrecy envelope. This method ensures that the voter's signature (or other personally identifying information) will not be visible on the exterior envelope transmitted through the mail.

3. Required Instructions to Voters

A County Recorder must supply printed instructions that:

1. Direct voters to sign the voter affidavit, mark the ballot, and return the voted ballot in the enclosed return envelope;
2. Include a website address where the following information will be posted: (1) official locations where early ballots may be deposited; and (2) official write-in candidates and withdrawn candidates for all jurisdictions on the ballot, [A.R.S. § 16-343\(G\)](#); and (2);
3. Informs voters that no votes will be counted for a particular office if they overvote (vote

¹⁴ The prescribed early ballot affidavit is deemed to substantially comply with FVAP-suggested designs for a UOCAVA return envelope affidavit. [A.R.S. § 16-547\(B\)](#); see also [52 U.S.C. § 20301\(b\)\(4\)](#); <https://www.fvap.gov/eo/overview/sending-ballots/creating-envelopes>.

for more candidates than permitted) and therefore the voter should contact the County Recorder to request a new ballot in the event of an overvote;

4. Recommends that voters mail a ballot-by-mail at least six calendar days before the election to best ensure the ballot will be timely received by 7:00 p.m. on Election Day;
5. Informs voters regarding the appropriate marking devices to be used when marking the ballot; and
6. Include the following language:
 - In order to be valid and counted, the ballot and affidavit must be delivered to the County Recorder or other officer in charge of elections or may be deposited at any polling place in the county no later than 7:00 p.m. on Election Day; and
 - WARNING - It is a felony to offer or receive any compensation for a ballot.

[A.R.S. § 16-547\(C\)](#). The County Recorder may substitute “vote center” for “polling place” if the county uses vote centers. If applicable, the County Recorder may add additional ballot drop-off locations to the statutorily-prescribed language.

A County Recorder in a covered jurisdiction, as designated by the Census Bureau in the current Federal Register publication, must provide these instructions in English and any additional written language(s) required under the federal Voting Rights Act. *See* Chapter 8, Section VI.

D. Mailing Ballots-by-Mail

1. Methods of Transmitting Ballots by Mail

A ballot-by-mail must be mailed to voters by first-class, non-forwardable mail. The ballot-by-mail must be accompanied by an early ballot affidavit, instructions to voters, and a postage-prepaid return envelope.

UOCAVA ballots may be transmitted by mail, fax, email, or other secure method of online transmittal, in accordance with the delivery method selected by the voter on the FPCA. UOCAVA mailing requirements apply to all elections, not just federal elections. [A.R.S. § 16-543\(A\)](#).

2. Time Period for Mailing Ballots by Mail

Voters who make a ballot-by-mail request at least 27 days before the election are entitled to be mailed a ballot-by-mail between 24 and 27 days before the election. [A.R.S. § 16-542\(C\)](#); [A.R.S. § 16-545\(B\)\(1\)](#); [A.R.S. § 16-544\(F\)](#).¹⁵

¹⁵ [A.R.S. § 16-542\(C\)](#) allows early ballots to be mailed as late as 24 days before the election, but also requires ballots be mailed “within five days after receipt of the official early ballots from the officer charged by law with the duty of preparing ballots pursuant to section 16-545.” In the event a County

Voters who make a ballot-by-mail request between 11 and 26 days before the election are entitled to be mailed a ballot within two business days of the request. [A.R.S. § 16-542\(D\)-\(E\)](#).

Requests for a ballot-by-mail made ten days or less before the election are untimely. [A.R.S. § 16-542\(E\)](#) (requiring requests be made by 5:00 p.m. on the 11th day before the election).

3. Special Time Period for Transmitting UOCAVA Ballots

If a UOCAVA voter registered to vote with an FPCA at least 48 days before an election, a County Recorder must transmit a ballot-by-mail to the voter at least 45 days before the election. [A.R.S. § 16-543\(A\)](#); [52 U.S.C. § 20302\(a\)\(8\)](#).

A UOCAVA voter who registers to vote using a FWAB pursuant to [A.R.S. § 16-543.02\(D\)](#) must simultaneously write-in his or her vote choices for federal candidates. However, if a County Recorder receives a FWAB sufficiently in advance of the election, the County Recorder should transmit a ballot-by-mail to the registrant and, if the FWAB received is not the version revised in 2017, should include a FPCA. If the voter returns the voted ballot-by-mail (and includes a completed FPCA if necessary), the County Recorder should void out the FWAB. FWABs from UOCAVA voters are held until 7:00 p.m. on Election Day if the voter was sent a ballot-by-mail and, if the ballot-by-mail was voted and returned, the FWAB is disqualified and the voted ballot-by-mail is transmitted to the officer in charge of elections for tabulation.

If a UOCAVA voter registers less than 48 days before the election, a County Recorder must transmit the ballot-by-mail within one business day of the registration. [A.R.S. § 16-543\(A\)](#); [A.R.S. § 16-542\(D\)](#). Requests made within 48 hours of Election Day should be further expedited to the extent possible.

a. Effect of Incomplete FPCA Registration

If a UOCAVA voter submits an incomplete FPCA (or attempts to register to vote using a registration form other than an FPCA) within 48 days of the election, the County Recorder must transmit a blank FPCA along with a ballot-by-mail to the voter within one business day of receipt. [A.R.S. § 16-543\(A\)](#). If the voter does not return a new completed FPCA by 7:00 p.m. on Election Day, any voted ballot-by-mail from that voter will not count.

b. Waiver of UOCAVA 45-Day Transmittal Deadline

In exceptional circumstances, the Secretary of State has authority to seek a waiver of the 45-day UOCAVA ballot transmission deadline from the U.S. Department of Defense as a result of

Recorder cannot mail early ballots within five days of receipt, a County Recorder remains in compliance with [A.R.S. § 16-542\(C\)](#) if early ballots are mailed no later than the 24th day before the election.

undue hardship.¹⁶ For example, an “undue hardship” may be found if:

- A county has suffered a delay in generating ballots due to a legal contest;
- Arizona’s primary election date prohibits counties from meeting the 45-day mailing requirement; or
- The Arizona Constitution prohibits counties from complying with the 45-day mailing requirement.

[52 U.S.C. § 20302\(g\)\(2\)\(B\)](#). If a county experiences (or believes it will experience) an undue hardship, the County Recorder or other officer in charge of elections must contact the Secretary of State as soon as possible and provide sufficient information to enable the Secretary of State to make a timely waiver request.

The Secretary of State’s waiver request must include:

- An explanation of the undue hardship;
- A recognition that the original purpose of the 45-day mailing requirement was to allow UOCAVA voters to have enough time to vote in a federal election;
- The number of days prior to the election that Arizona law requires ballots-by-mail to be transmitted to UOCAVA voters, [A.R.S. § 16-543\(A\)](#) (45 days);
- The State’s plan to ensure that UOCAVA voters are able to receive and return their ballot-by-mail in time to be counted for the election. This includes the specific steps the county or counties will take, why the plan will give UOCAVA voters enough time to vote, and factual information explaining how the plan gives sufficient time for this to occur.¹⁷

The Secretary of State is generally required to submit a waiver request at least 90 days before the election, which the Department of Defense must act upon within 25 days. [52 U.S.C. § 20302\(g\)\(3\)\(A\)](#). If the undue hardship results from a legal contest, however, the Secretary of State must submit the waiver request as soon as practicable, which the Department of Defense must act upon within five business days. [52 U.S.C. § 20302\(g\)\(3\)\(B\)](#).

E. Issuing Replacement Ballots-by-Mail

A County Recorder may issue up to two replacement ballots-by-mail to a voter upon request (for a total maximum of three ballots per election). The County Recorder must ensure that only one ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation.

¹⁶ [52 U.S.C. § 20302\(g\)](#); <https://www.fvap.gov/eo/waivers>. The Under Secretary of Defense for Personnel & Readiness is the Presidential designee charged with evaluating such requests. *See* Executive Order 12642; DOD Directive 1004.04.

¹⁷ [52 U.S.C. § 20302\(g\)\(1\)](#); *see also* https://www.fvap.gov/uploads/FVAP/EO/2012_waiver_guidance.pdf.

F. Reporting UOCAVA Transmission Statistics

Each County Recorder must timely confirm UOCAVA compliance to the Secretary of State, which must include information about:

- How many UOCAVA ballots were validly requested;
- How many UOCAVA ballots were transmitted in accordance with the 45-day deadline based on valid requests received before that date; and
- How many UOCAVA ballots were transmitted after the 45-day deadline based on valid requests received before that date.

UOCAVA reports must be emailed or electronically submitted to the Secretary of State within one business day of the UOCAVA ballot transmission deadline. The reports shall not include any protected information for voters who have their records sealed pursuant to A.R.S. § 16-153 or who are enrolled in the Address Confidentiality Program.

The Secretary of State must consolidate the county reports and report Arizona's aggregated statistics to the U.S. Department of Justice following each primary and general election for federal office. See <https://www.justice.gov/crt/statutes-enforced-voting-section#uocava>.

G. Deadline to Return Ballots-by-Mail

A ballot-by-mail (with completed affidavit) must be delivered to the County Recorder, the officer in charge of elections, an official ballot drop-off site, or any polling place in the county no later than 7:00 p.m. on Election Day. [A.R.S. § 16-547\(C\)](#); [A.R.S. § 16-551\(C\)](#).

The ballot-by-mail deadline also applies to UOCAVA ballots, regardless of the method of transmission to the election official.

H. Reporting Ballot-by-Mail Requests and Returns

At the request of a state or county political party chairperson before an election, a County Recorder must provide the following information at no cost to the political party:

- A listing of registrants who have requested a ballot-by-mail. This information must be provided daily Monday through Friday, beginning 33 days before the election and through the Friday before the election;
- A listing of registrants who have returned their ballot-by-mail, which must be provided daily in Maricopa and Pima Counties and weekly in all other counties.
 - Daily information in Maricopa and Pima Counties must be provided Monday through Friday, beginning the first Monday after early voting commences and ending the Monday before the election;
 - Weekly information in all other counties must be provided beginning on the Friday after early voting commences and ending on the Friday before the election.

[A.R.S. § 16-168\(D\)](#).

Ballot-by-mail request and return reports should conform to the format established for precinct lists as nearly as practicable (*see* Chapter 1, Section X(A)(1)) and should contain the following minimum information:

- Registrant's name;
- Voter ID number;
- Residential address;
- Mailing address (if different);
- Political party;
- Whether PEVL or one-time request (ballot-by-mail request reports only); and
- Date of request (ballot-by-mail request reports only) (one-time requests only).

The first ballot-by-mail request report should contain all PEVL registrants and registrants who made a one-time ballot-by-mail request up to the time of the report. Subsequent ballot-by-mail request reports should include new one-time ballot-by-mail requests that have been made since the last report.

II. ON-SITE EARLY VOTING

A County Recorder may establish on-site early voting at the County Recorder's office during the early voting period. A County Recorder may also establish additional on-site early voting locations throughout the county where voters may personally appear and vote an early ballot. [A.R.S. § 16-246\(C\)](#); [A.R.S. § 16-542\(A\)](#).

A voter must cast a ballot issued at the on-site early voting location at that location, and may not remove that ballot from the location. An early ballot must be issued even if the voter previously requested or received a ballot-by-mail, but unless the voter was issued an incorrect ballot, only the first ballot received by the County Recorder shall be counted.

An elector who appears at an on-site early voting location by 5:00 p.m. on the Friday preceding the election must be given a ballot and permitted to vote at the on-site location. [A.R.S. § 16-542\(E\)](#).

A. Posting Notice of Write-In and Withdrawn Candidates

A County Recorder must post a Notice of Withdrawal at each on-site early voting location. [A.R.S. § 16-312\(E\)](#); [A.R.S. § 16-343\(G\)](#).

Information about write-in and withdrawn candidates also must be posted to the website of the County Recorder or officer in charge of elections. [A.R.S. § 16-343\(G\)](#).

B. Applicability of Voter ID Requirements

Before receiving a ballot or being permitted to cast a vote on an accessible voting device at any on-site early or emergency voting location, a qualified elector must provide identification as prescribed by [A.R.S. § 16-579](#) (see Chapter 9, Section IV(A) for more details on the identification requirement). If needed, a voter may update his or her voter registration record at the on-site early or emergency voting location prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-411\(5\)\(b\)](#); [A.R.S. § 16-542\(H\), \(I\)](#).

C. Requirements and Security Procedures for Accessible Voting Devices

An on-site early voting location must have at least one certified accessible voting device available for voters with disabilities, unless the election is for a city or town with a population under 20,000. [A.R.S. § 16-442.01\(A\)](#).

An accessible voting device must be approved by the Secretary of State's Equipment Certification Committee and successfully pass logic and accuracy testing prior to deployment for on-site early voting. See Chapter 4, Sections I and II.

All accessible voting devices used for early voting shall be physically secured at all times, or, if the media containing the election for the accessible voting device is removable, the media itself shall be physically secured at all times.

The chain of custody of the accessible voting device must be tracked and logged by a team of at least two board workers or staff of the County Recorder or other officer in charge of elections.

- The log shall include: (1) the seal numbers on the device; (2) for devices that mark and tabulate, the number of votes cast at the time the device was turned on and the number of votes cast at the time the device was turned off; and (3) a place for the two board workers or county staff to initial or sign verifying the information.
- For devices that mark and tabulate, at the close of the early voting location each day, the board workers or county staff shall log the number of votes cast on the device and then either turn the device off or otherwise secure the device. Each morning, when the device is turned on, the number of votes cast on the machine shall be compared to the log from the previous day. Any discrepancy shall be immediately reported to the officer in charge of elections.
- At 5:00 p.m. or as soon as practicable after the last voter has left the site on the last day of on-site early voting or emergency voting, the device shall be closed out according to procedures provided by the officer in charge of elections.

All other security procedures set forth in this manual shall be followed for accessible voting devices used for early voting.

III. EMERGENCY VOTING

A. Establishing Emergency Early Voting Centers

Upon a specific resolution of the County Board of Supervisors before each election, the Board may authorize the County Recorder or other officer in charge of elections to establish and operate emergency early voting centers. The Board shall specify in the resolution the location of the emergency early voting centers and the hours of operation. [A.R.S. § 16-411\(B\)\(5\)](#).

“Emergency” means any unforeseen circumstance that would prevent the voter from voting at the polls. Qualified electors who experience an emergency between 5:00 p.m. on the Friday preceding the election and 5:00 p.m. on the Monday preceding the election may request to vote at an emergency early voting center in the manner prescribed by the Board of Supervisors of their respective county. [A.R.S. § 16-542\(H\)](#).

B. Identification and Signed Statement Requirements

Before receiving a ballot at an emergency early voting center, a voter must provide identification as prescribed by [A.R.S. § 16-579](#) (see Chapter 9, Section IV(A) for more details on the identification requirement). If needed, a voter may update his or her voter registration record at an emergency early voting center prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-411\(B\)\(5\)](#); [A.R.S. § 16-542\(E\)](#), (H), (I).

The voter must also sign a statement under penalty of perjury containing substantially the following language: “I declare under penalty of perjury that I am experiencing or have experienced, an emergency after 5:00 p.m. on the Friday immediately preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that will prevent me from voting at a polling place on Election Day.”

- Such signed statements are not subject to public inspection pursuant to Title 39, Chapter 1, Article 2. [A.R.S. § 16-542\(H\)](#); [A.R.S. § 16-246\(F\)\(2\)](#).
- The signed statement for emergency voting may be incorporated into the early ballot envelope and affidavit, with a line for the voter to initial or sign next to the statement, or may be provided to the voter on a separate form to be signed by the voter.

IV. SPECIAL ELECTION BOARDS

A County Recorder or officer in charge of elections may appoint any number of special election boards to facilitate and enable voting by qualified electors who are ill or have a disability.

- For partisan elections, the board must be comprised of two members, one from each of the two political parties who cast the highest number of votes in the state in the last preceding general election. Under no circumstances will both members of the board consist of voters who are registered with the same party affiliation. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is

not eligible to serve on a special election board for that election. [A.R.S. § 16-549\(A\)](#).

- For non-partisan elections, the board should consist of two members with different political affiliations. On request, a county may allow any bipartisan panel of certified election officials to act as a special election board. A person who is a candidate for an office in that election (other than the office of precinct committeeman) is not eligible to serve on a special election board for that election. [A.R.S. § 16-246\(F\)](#).

A. Time Periods for Requesting a Special Election Board

A qualified elector who is confined because of a continuing illness or disability may vote using a ballot-by-mail or by making a verbal or signed written request to have a special election board personally deliver a ballot to the elector's residence or other place of confinement. Such requests must be made by 5:00 p.m. on the second Friday before the election. [A.R.S. § 16-549\(C\)](#).

Qualified electors who become ill or disabled *after* the second Friday before the election may nonetheless request personal ballot delivery by a special election board up to, and including, the Monday before the election. The County Recorder or other officer in charge of elections shall honor these requests when possible. [A.R.S. § 16-549\(D\)](#).

Electors who are hospitalized after 5:00 p.m. on the second Friday before the election and before 5:00 p.m. on Election Day may request a special election board deliver their ballot to the hospital or other place of confinement. This ballot shall be processed as a provisional ballot to ensure the voter does not vote more than once. [A.R.S. § 16-549\(D\)](#).

B. Identification and Signed Statement Requirements

Before receiving a ballot from a special election board, a voter who requests a special election board after the second Friday before the election must:

- Provide identification as prescribed by [A.R.S. § 16-579](#) (*see* Chapter 4, Section IV for more details on the identification requirement). If needed, a voter may update his or her voter registration record with a special election board prior to receiving a ballot by completing a new voter registration form. Such updates shall be deemed effective starting in that election. [A.R.S. § 16-542\(E\), \(H\)](#).
- Sign a statement under penalty of perjury containing substantially the following language: "I declare under penalty of perjury that I am experiencing or have experienced an emergency after 5:00 p.m. on the second Friday preceding the election and before 5:00 p.m. on the Monday immediately preceding the election that will prevent me from voting at a polling place on Election Day."
 - Such signed statements are not subject to public inspection pursuant to Title 39, Chapter 1, Article 2. [A.R.S. § 16-549\(D\)](#).

V. CHALLENGES TO EARLY BALLOTS

Challenges to early ballots must be submitted prior to the opening of the early ballot affidavit

envelope. Challenges received after the affidavit envelope containing the ballot has been opened may be summarily denied as untimely.

Written challenges to voted early ballots shall be given immediately to an early voting election board or other officer in charge of elections. If the written challenge contains at least one of the grounds listed in [A.R.S. § 16-591](#), the board or officer shall, within 24 hours, mail by first class mail to the challenged voter the following:

- Notice of the challenge;
- A copy of the written challenge; and
- The time and place at which the voter may appear to defend the challenge.

The notice must be sent to the mailing address shown on the voter's request for the ballot-by-mail. If no address is provided, the notice may be sent to the mailing address on the registration rolls.

Notice must also be sent to:

- The challenger at the address provided on the challenge; and
- The county chairperson of each political party represented on the ballot.

The early voting election board shall meet to hear the challenge at the time specified, but:

- Not earlier than **96 hours** after the notice is mailed, or not earlier than **48 hours** after delivery if the notice is delivered by overnight or hand delivery; and
- Not later than 5:00 p.m. on the Monday following the election.

The early election board or other officer in charge of early ballot processing is not required to provide a notice if the written challenge is untimely or fails to set forth at least one of the grounds listed in [A.R.S. § 16-591](#) as a basis for the challenge.

[A.R.S. § 16-552](#); [A.R.S. § 16-594](#).

VI. PROCESSING AND TABULATING EARLY BALLOTS

The following procedures for processing early ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method otherwise consistent with applicable law. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested.

A. County Recorder Signature Verification

Upon receipt of the return envelope with an early ballot and completed affidavit, a County Recorder or other officer in charge of elections shall compare the signature on the affidavit with the voter's signature in the voter's registration record. A County Recorder should also consult

additional known signatures from other official election documents in the voter's registration record such as signature rosters or PEVL request forms.

If **satisfied** that the signatures were made by the same person, the County Recorder shall place a distinguishing mark on the unopened affidavit envelope to indicate that the signature is sufficient and safely keep the early ballot and affidavits (unopened in the return envelope) until they are transferred to the officer in charge of elections for further processing and tabulation.

If **not satisfied** that the signatures were made by the same person or if the early ballot affidavit is missing a signature, the County Recorder shall make a reasonable and meaningful attempt to contact the voter via mail, phone, text messaging, and/or email, notify the voter of the inconsistent signature, and allow the voter to provide, correct, or confirm the signature. The County Recorder shall attempt to contact the voter as soon as practicable using any contact information available in the voter's record and any other source reasonably available to the County Recorder.

Voters must be permitted to correct or confirm an inconsistent or missing signature until 5:00 p.m. on the fifth business day after a primary, general, or special election that includes a federal office or the third business day after any other election. For the purposes of determining the applicable signature cure deadline: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered "business days."

Because voters who cast an early ballot in-person at an on-site early voting location, emergency early voting center, or via personal ballot delivery by a special election board must show identification prior to receiving a ballot, early ballots cast in-person need not be invalidated based solely on an allegedly inconsistent signature absent other evidence that the signatures were not made by the same person. A County Recorder may update the signature in a voter's record by scanning the voter's in-person early ballot affidavit signature and uploading the signature image to the voter's record.

[A.R.S. § 16-550\(A\)](#); [A.R.S. § 16-552\(B\)](#); Settlement Agreement 3, ECF No. 44-2.

B. Early Ballot Board Responsibilities

The Board of Supervisors or officer in charge of elections shall appoint one or more early ballot boards consisting of an inspector and two judges (the two judges must be from different political parties). If the early ballot boards retire and reconvene, all materials shall be secured under the control of the Board of Supervisors or officer in charge of elections until time for the boards to reconvene.

1. Early Ballot Report Log

The early ballot board shall maintain an early ballot report log that includes the following information for each batch of early ballots:

- Batch ID;
- Number of ballots to process/processed;
- Number of ballots rejected and the reason for the rejection;
- Number of ballots sent to duplication;
- Number of ballots sent to tabulation;
- Board members' initials; and
- Board ID.

2. Affidavit Verification

Upon receipt of early ballots that have been signature-verified by the County Recorder or other officer in charge of elections, the early ballot board shall confirm whether the voter's affidavit is sufficient and whether the voter's name appears on the precinct register or batch report:

- The vote shall be counted if the affidavit is determined to be sufficient and the registrant is a qualified elector of the voting precinct.
- The vote shall not be counted if the affidavit is determined to be insufficient, or the registrant is not a qualified elector of the voting precinct.

3. Accepted Early Ballots

If the early ballot is accepted, the early ballot board shall:

- Verify that all affidavit envelopes are of the batch being processed (and set aside any ballots from a different batch to be joined/processed with the proper batch);
- Enter the total on the early ballot report;
- Open each accepted affidavit envelope, being careful not to damage the ballot or the affidavit printed on the envelope;
- Remove the ballot and check to ensure that the ballot is for the election shown on the affidavit envelope;
- Place the voted ballot in the designated stack and count the ballots;
- Place the empty affidavit envelope in the designated stack;
- Repeat the process until all valid ballots are opened and placed in their appropriate stacks; and
- Fill out the ballot transmittal slip and send ballots to tabulation.

4. Damaged Early Ballots

If damaged ballots are found, they should be segregated from the batch and placed with any other ballots to be duplicated from the batch. The early ballot board must include each damaged ballot on a transmittal slip.

5. Transmittal Slips for Tabulation or Duplication

Each batch of ballots sent to the central counting place and duplication boards shall be accompanied by a completed transmittal slip with the following information:

- Date item is originally processed;
- Where ballots are sent **To:** (central counting place, duplication board, etc.);
- Where ballots are sent **From:** (early voting, duplication board, etc.);
- Ballot color and party (if applicable);
- Total number of ballots sent;
- Board ID;
- Initials of board members; and
- Batch/sub-batch numbers.

If a ballot was transmitted by facsimile to a UOCAVA voter and the voted ballot was returned by facsimile, the ballot should be sent to the duplication board to be duplicated in the method prescribed under duplication board instructions.

6. Close Out

The early ballot board will close out each batch as follows:

- Calculate a cumulative total of the number of:
 - affidavit envelopes received;
 - ballots sent to the duplication boards;
 - ballots rejected; and
 - ballots sent to the central counting place;
- Verify and audit these numbers against each applicable item (*i.e.*, the total number of affidavit envelopes collected should match the cumulative total on the early voting ballot report, etc.);
- Place paperwork in the official envelope (official envelopes are marked to specify the items to be placed in each);
- Retain a duplicate copy of the early voting ballot report for the office records; and
- Seal the official envelope.

7. Ballot Transportation

After processing is complete, ballots shall be transported in a secure manner to a receiving site or a central counting place that is inside a secured building. Badge control shall be handled in the same manner as the central counting place.

C. Timing for Tabulation of Early Ballots and Reporting of Results

The officer in charge of elections may begin tabulating early ballots after confirmation from the Secretary of State that all equipment passes the logic and accuracy test. [A.R.S. § 16-552\(A\)](#). Tabulation of early ballots shall not begin any earlier than 14 days before the election. [A.R.S. § 16-550\(B\)](#).

Early ballot tabulation results may not be reported until Election Day, at the earlier of:

- The time when all ballots cast on Election Day at voting locations have been tabulated; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on Election Day.

Polls presumptively close at 7:00 p.m. on Election Day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-552\(A\)](#); [A.R.S. § 16-565\(A\)](#).

CHAPTER 3: BALLOT-BY-MAIL ELECTIONS

“Ballot-by-mail” elections are elections in which a ballot is mailed to every qualified elector in a jurisdiction, regardless of whether the voter is on the PEVL. These elections also afford opportunities for voters to cast a ballot in person.

Ballot-by-mail elections must be conducted according to most of the same requirements applicable to early voting. [A.R.S. § 16-191](#); [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(B\)](#).

I. ELIGIBILITY TO HOLD A BALLOT-BY-MAIL ELECTION

Cities, towns, school districts, and special taxing districts are the only jurisdictions permitted to conduct vote by mail elections. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#).

In addition, a County Recorder or other officer in charge of elections may send a Presidential Preference Election ballot to all qualified electors in precincts with 300 or less registered voters. [A.R.S. § 16-248\(H\)](#).

II. APPROVAL TO HOLD A BALLOT-BY-MAIL ELECTION

A city, town, school district, or special taxing district may conduct its own vote by mail election after obtaining approval of their governing board. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558\(A\)](#).

Special taxing districts must obtain approval of the applicable County Board of Supervisors, even if the special taxing district will conduct its own election. The special taxing district must obtain approval from the Board of Supervisors before it publishes a call of election. If a special taxing district comprises more than one county, the governing board of the special taxing district must seek approval of the County Board of Supervisors in the county that contains the greater number of registered voters in the district. [A.R.S. § 16-558\(A\)](#).

If a city, town, school district, or special taxing district requests a county conduct the election on the jurisdiction’s behalf, the conduct of that election is generally subject to an agreement between the county and the jurisdiction. [A.R.S. § 16-205](#). Among other things, the agreement may require that all local jurisdictions holding elections on a particular consolidated election date conduct a vote by mail election in lieu of establishing voting locations on Election Day.

The governing body of a special taxing district must provide various public notifications before conducting any election that is not held concurrently with a general election, which includes ballot-by-mail elections. [A.R.S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#). See Chapter 8, Section IV(C).

III. PREPARING AND MAILING BALLOTS

A County Recorder or other officer in charge of elections may use a unified ballot format that combines all candidates and issues on the same ballot in a ballot-by-mail election. [A.R.S. § 16-204\(G\)](#).

Ballots utilized in a ballot-by-mail election must be prepared and transmitted in accordance with the requirements applicable to early ballots (*see* Chapter 2, Sections I(C) and I(D)), except:

- The County Recorder must mail the ballots not more than 27 and not fewer than 15 days before the election. [A.R.S. § 16-558.01](#).
- If the ballot-by-mail election is consolidated with a partisan primary election, the County Recorder must mail a notice to all non-PEVL voters who are not affiliated with a recognized political party at least 33 days before the election to allow the voter to designate a political party ballot. In lieu of sending separate notices to PEVL and non-PEVL voters, a County Recorder may send a notice to all eligible voters at least 90 days before the ballot-by-mail election. *See* Chapter 2, Section I(B)(9). If the voter does not designate a political party ballot or nonpartisan ballot by 5:00 p.m. on the 11th day before the election, or a later deadline established by the County Recorder, the voter will not receive a ballot-by-mail for the election. [A.R.S. § 16-542\(E\)](#). However, the voter is still permitted to vote in-person at a ballot replacement site and, at that time, specify a political party ballot or nonpartisan ballot.
- Return envelopes in ballot-by-mail elections for Title 48 special district elections need not be postage pre-paid. The district governing board must determine whether the cost of return postage will be borne by the local jurisdiction or the voter. [A.R.S. § 16-558.01](#).

If a jurisdiction conducts its own election without using the services of the County Recorder, the duties listed above for the County Recorder shall be performed by the officer in charge of elections for the jurisdiction.

IV. METHODS TO RETURN OR REPLACE BALLOTS

A city, town, school district, or special taxing district that conducts a ballot-by-mail election on its own behalf, and a county that conducts a ballot-by-mail election on behalf of a jurisdiction, may establish voting locations/ballot replacement sites on Election Day as well as ballot drop-off sites for voters to deposit voted ballots until 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#); *see also* Chapter 8, Section I(B).

A County Recorder or other officer in charge of elections must establish at least one central location in each district to issue ballot replacements in cases where the voter's mailed ballot was lost, spoiled, destroyed, or not received. [A.R.S. § 16-558.02\(A\)](#); [A.R.S. § 16-409\(A\)](#). The County Recorder or other officer in charge of elections may establish as many additional ballot replacement sites as deemed necessary. If there is no appropriate location for a ballot replacement site in the district, the County Recorder or officer in charge of elections should establish a ballot replacement site as close to the district as practicable.

In order for the replacement ballot to count, the voter must sign a sworn statement that the original ballot was lost, spoiled, destroyed, or not received. [A.R.S. § 16-409\(A\)](#); [A.R.S. § 16-558.02\(A\)](#). This language may be incorporated into the early ballot affidavit prescribed by [A.R.S. § 16-547\(A\)](#). See Chapter 2, Section I(C)(2). In any case, the County Recorder must ensure that only one early ballot for a particular voter is verified and transmitted to the officer in charge of elections for tabulation. See Chapter 2, Section VI(A).

V. PROCESSING VOTED BALLOTS IN A BALLOT-BY-MAIL ELECTION

Voted ballots returned to the County Recorder or other officer in charge of elections must be processed and tabulated in a manner similar to early ballots. [A.R.S. § 16-409\(B\)](#); [A.R.S. § 16-558\(B\)](#); [A.R.S. § 16-552](#); see Chapter 2, Section VI.

Even if a city, town, school district, or special taxing district conducts its own election, the jurisdiction must usually enter into an agreement with the applicable county (or counties) in order to conduct signature verification. See [A.R.S. § 16-205\(C\)](#). Absent an agreement with the County Recorder, a local jurisdiction could conduct its own signature verification at a public terminal provided by the County Recorder during normal business hours.

If a special taxing district crosses county lines, the district must enter into an agreement with both counties in order to conduct signature verification. For example, the county with the larger number of registered voters may conduct the election on the special taxing district's behalf, and seek voter registration records from the smaller county in order to conduct signature verification for all district voters.

VI. POST-ELECTION REPORTING REQUIREMENTS

A city, town, or school district that conducts a ballot-by-mail election must report the following information to the Senate President and Speaker of the House of Representatives by January 1 of the year immediately following any ballot-by-mail election:

- Changes in voter turnout from the previous election (regardless of whether the previous election was a ballot-by-mail or traditional election);
- The cost of the ballot-by-mail election compared to traditional elections;
- Suggestions for improvements to the ballot-by-mail election system;
- The frequency and severity of irregularities in the ballot-by-mail process, if any;
- Voter satisfaction with the ballot-by-mail election process; and
- The number of non-deliverable ballots in the ballot-by-mail election.

[A.R.S. § 16-409\(B\)](#).

CHAPTER 4: VOTING EQUIPMENT

I. VOTING EQUIPMENT CERTIFICATION

All components of a voting system must be properly certified prior to use in any election. A voting system is defined as the total combination of mechanical, electromechanical, or electronic equipment (including the software, firmware, and documentation required to program, control, and support the equipment) that is used to define ballots, cast and count votes, report or display election results, and maintain and produce any audit trail information. [52 U.S.C. § 21081\(b\)\(1\)](#). Thus, a voting system consists of the electronic voting equipment (including central count equipment, precinct voting equipment, and accessible voting equipment) and election management system used to tabulate ballots.

This section outlines the procedures under which voting systems are certified, recertified, or decertified for use in Arizona. A new voting system must be certified by:

1. A Voting System Test Laboratory (VSTL) accredited in accordance with the Help America Vote Act;
2. The federal Election Assistance Commission (EAC); and
3. The state Election Equipment Certification Committee.

[A.R.S. § 16-442\(A\)-\(B\)](#).

Certification includes a review of system documentation and/or conducting a demonstration and functionality test. Upgrades or modifications to an existing voting system require recertification, but if the upgrade or modification is *de minimis*, a demonstration and functionality test is optional and not necessarily required. *See* Chapter 4, Section I(A)(2). A request for emergency conditional certification is subject to different standards. *See* Chapter 4, Section I(C).

The Secretary of State shall consult with and obtain recommendations regarding voting systems from nonprofit organizations that represent persons who are blind or visually impaired, persons with expertise in accessible software, hardware, and other technology, county and local election officials, and other persons deemed appropriate by the Secretary of State. The Secretary of State shall submit these recommendations to the state Election Equipment Certification Committee to be considered for possible certification if the election equipment vendor submits an application for certification. [A.R.S. § 16-442.01\(C\)](#).

A. State Certification Process

A manufacturer's voting system must be tested and certified as a comprehensive suite, not as individual components. Therefore, a manufacturer's proposed combination of hardware,

software, and firmware must be tested as an integrated whole to ensure the particular system accurately tabulates votes. As a result, a jurisdiction may not mix-and-match components from different manufacturers' certified voting systems. The officer in charge of elections may mix components from different manufacturers' voting systems only if those systems are not interconnected and under exceptional circumstances after notifying and receiving written approval from the Secretary of State's Office.

1. Submitting an Application for Certification

To initiate state certification, a voting system manufacturer must submit an application to the Secretary of State. The application form is prescribed by the Secretary of State. A complete application packet consists of:

1. A completed application form, including a description of all voting system components and, if seeking recertification, a description of modifications to the prior certified voting system;
2. Product descriptions and/or sales brochures of the voting system components;
3. VSTL Test Report; and
4. EAC Certificate of Conformance, including EAC Certification Number and Scope of Certification.

A manufacturer may submit an application packet to the Secretary of State electronically or by mail. The Secretary of State must conduct a preliminary review of the application packet within 21 days of receipt of a completed packet or sooner if practicable. If the application packet is incomplete, the Secretary of State should inform the manufacturer and need not take further action until the application packet is complete.

2. Review by the Equipment Certification Committee

Once the application packet is deemed complete, the Secretary of State must notify and provide all relevant documentation to the Equipment Certification Committee and schedule a public meeting. If a demonstration and functionality test will be required, the Secretary of State must (1) coordinate with the manufacturer to receive test ballots; (2) develop a test script to vote the test ballots on all electronic voting equipment; (3) tabulate the test ballots (using alternative equipment provided by the vendor that is not the equipment to be tested in the demonstration and functionality test) in advance of the public meeting to ensure conformity with the test script; and (4) coordinate delivery and storage of the voting system as the test date nears.

Upon notification by the Secretary of State, to the extent practicable, the Equipment Certification Committee must conduct a public meeting within 90 days to consider an application for certification or recertification.

The Secretary of State coordinates the logistical details for holding the public meeting, including complying with notice requirements in accordance with Arizona open meeting laws, taking meeting minutes, and ensuring the presence of legal counsel. [A.R.S. § 38-431.01](#).

a. Composition of the Equipment Certification Committee

The state Equipment Certification Committee consists of three persons appointed by the Secretary of State with the following qualifications:

1. A faculty member of the engineering college at an Arizona university;
2. A lawyer member of the Arizona Bar Association; and
3. A person who is familiar with voting procedures in the state, such as a trained election official.

Committee members serve without compensation. No more than two of the Committee members may be registered with the same political party. At least one member must have at least five years of experience, and be able to render an opinion based on knowledge of or training/education in electronic voting systems, procedures, and security. [A.R.S. § 16-442\(A\)](#).

b. New Application for Certification

For a new application for certification, the Equipment Certification Committee must conduct the following activities in a public meeting:

1. Review the manufacturer's application packet for completeness;
2. Confirm VSTL approval and EAC certification;
3. Confirm the voting system under review is the same voting system certified by the EAC;
4. Review the voting system and test ballots for compliance with the legal standards for certification;
5. Conduct a demonstration and functionality test;
6. Ask questions to the manufacturer's representatives as necessary;
7. Seek legal advice in executive session as necessary; and
8. Vote on whether to recommend to the Secretary of State approval or conditional approval of the manufacturer's application.

The Equipment Certification Committee may approve or deny the application, including partial or conditional approval. The Committee may also specify the conditions under which the voting system may be used by a county, city, town, or special taxing district.

The Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.

i. Legal Standards for Certification

A voting system must comply with all federal and state laws, including the following:

1. The voting system must be tested and certified under federal law:

- The voting system must be reviewed and/or tested by an accredited VSTL;
 - The voting system must be certified by the EAC; and
 - Otherwise comply with the then-applicable federal Voluntary Voting System Guidelines (VVSG) in effect.
2. The voting system must have the following functional capability and/or characteristics required under federal and state law:
- The voting system must be suitably designed and be of durable construction;
 - The voting system must provide for safe, efficient, and accurate voting;
 - The voting system must record votes correctly and accurately, including aggregation of the voter's choices made on a single device;
 - The voting system must tabulate (and if necessary, produce) ballots that visually indicate the voter's selections and can be (1) used to verify the voter's choices; (2) spoiled by the voter if they fail to reflect the voter's choices; and (3) used in recounts and manual audits;
 - The voting system must function for all types of elections;
 - The voting system must be capable of rotating candidate names within a race and accurately tabulating the results;
 - The voting system must aggregate the votes in the election management system (EMS) in a way that prevents votes from being changed or deleted after voting has concluded;
 - The voting system must contain security features that prevent unauthorized access or hacking;
3. Ballot marking devices and direct-recording electronic ("DRE") voting machines must:
- Permit the voter to verify (in a private, secret and independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted;
 - Allow the voter to vote for the candidate or ballot measure of choice, allow the voter to vote for or against as many candidates or ballot measures for which he or she is entitled to vote, and inform the voter if the number of vote choices exceeds the permitted amount or prevent the voter from selecting more than the permitted number of vote choices;
 - Have the capability to be sealed and prevent further voting after the close of polls and/or after the last voter has voted;
 - DRE voting machines must produce a paper ballot or voter verifiable paper audit trail (VVPAT) for audit purposes, including the ability to change the ballot or correct any error and noting a spoiled or voided ballot when the voter changes the ballot or corrects an error; and
 - Provide the voter with an opportunity (in a private, secret and independent manner) to correct any error before the ballot is cast and counted or cast a

replacement ballot if the previous ballot is spoiled or unable to be changed or corrected;

4. Accessible voting equipment must be capable of:

- Providing the voter with the ability to cast and verify (both visually and with audio or synthesized speech) the voter's selections, including a synthesized (or actual) speech recording and braille keyboard or other input method that is ADA compliant;
- Displaying the on-screen ballot in a format substantially similar to that of paper ballots (*see* Chapter 4, Section II(E)(1) and Chapter 8, Section V(A));
- Displaying, providing audio or synthesized speech (and if applicable, printing) the ballot in English and in any minority language required under federal or state law;¹⁸ and
- Otherwise providing voters with visual impairments equivalent access to the voting experience compared to that provided for voters without visual impairments.

5. The voting system may not be subject to a recent decertification proceeding or otherwise been utilized in violation of federal or state law.¹⁹

[A.R.S. § 16-442\(B\)](#); [A.R.S. § 16-442.01\(A\)-\(B\)](#); [A.R.S. § 16-446\(A\)-\(B\)](#); [A.R.S. § 16-502\(H\)](#); [52 U.S.C. § 20971\(a\)-\(b\)](#); [52 U.S.C. § 21081\(a\)](#).

ii. Demonstration and Functionality Test

A demonstration and functionality test consists of:

1. Explaining the testing process (of both primary and general election test ballots) during the public meeting;
2. Casting ballots on all electronic voting equipment in accordance with the test script prepared for the meeting;
3. Casting ballots on the accessible voting equipment in English and any minority language required under federal or state law, including testing the audio equipment;
4. If the system captures digital ballot images, determining whether the system:
 - Produces digital images of readable quality, including clearly displaying write-in votes;
 - Produces digital images that are capable of being sorted by criteria such as race, district, ballot type, or precinct;

¹⁸ *See* Chapter 8, Section VI. If the applicable minority language is not a written language, the accessible voting machine must be capable of providing audio or synthesized reading of the ballot to the voter.

¹⁹ For example, under [A.R.S. § 16-1004\(B\)](#), it is a class 5 felony to knowingly modify the software, hardware or source code for voting equipment without receiving certification from the Equipment Certification Committee.

- Encrypts the digital images; and
 - Is capable of transferring or downloading the digital images at a reasonably fast rate;
5. Ensuring the aggregate vote totals for each race in the EMS match the pre-determined test results prepared by the Secretary of State; and
 6. Demonstrating the voting system's ability to function in compliance with applicable state and federal law.

c. Application for Recertification of Updated/Modified Systems

Upgrades or modifications to an existing certified voting system require recertification as a precondition for the upgraded/modified system to be used in Arizona elections. Like new applications, an application for recertification requires VSTL approval, EAC certification, and certification by the state Equipment Certification Committee and Secretary of State. However, depending on the nature of the upgrade/modification, a demonstration and functionality test may not be necessary.

An upgrade or modification is documented through an engineering change order (ECO) prepared by the manufacturer and submitted to the appropriate VSTL. If the VSTL concludes, and the EAC agrees, that the ECO represents a *de minimis* change to the existing certified voting system, the Secretary of State may:

1. Notify the Equipment Certification Committee that the upgrade or modification has been deemed *de minimis* by the EAC;
2. Recommend the Committee conduct its review without a demonstration and functionality test; and
3. If the Committee agrees to forego a demonstration and functionality test, schedule a public meeting to review the manufacturer's application for recertification.

If the Equipment Certification Committee foregoes a demonstration and functionality test, the Committee must:

1. Review the manufacturer's application for recertification for completeness in a public meeting, whether in-person, telephonically, or by video teleconference;
2. Confirm VSTL approval and EAC certification;
3. Ask questions to the manufacturer's representatives as necessary;
4. Seek legal advice in executive session as necessary;
5. Make an independent finding that the upgrade or modification is *de minimis* in nature; and
6. Vote on the manufacturer's application for recertification.

The Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting. The Equipment Certification Committee may approve or deny the application, including partial or conditional approval.

If the Committee determines that the upgrade or modification is not *de minimis*, or the application for recertification otherwise requires additional review or testing, the Committee may vote to schedule a subsequent meeting to conduct a demonstration and functionality test. In that case, the Committee must evaluate the upgraded or modified voting system under the standards applicable to a new application for certification.

3. Secretary of State Final Decision

Within a reasonable period after receiving the Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on an application for certification or recertification. The Secretary of State may accept, deny, or modify the Equipment Certification Committee's recommendation, including issuance of a partial or conditional certification.

The Secretary of State must issue the final decision in writing and notify the manufacturer by mail or email.

A final decision denying certification must include notice that the decision constitutes an appealable agency action. The notice must:

1. Identify the statute, rule, or provision upon which the decision was based;
2. Identify with reasonable particularity the reason why certification was denied or conditioned;
3. Include a description of the manufacturer's right to request a hearing on the decision; and
4. Include a description of the manufacturer's right to request an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#).

[A.R.S. § 41-1092.03\(A\)](#).

4. Appeal Process

A manufacturer may appeal the Secretary of State's final decision denying an application for certification or recertification.

a. Filing Notice of Appeal

A manufacturer must file the notice of appeal with the Secretary of State within 30 days after receiving the final decision. The notice of appeal must:

1. Identify the manufacturer;
2. Provide the manufacturer's address;

3. Identify the agency and action being appealed; and
4. Contain a concise statement of the reasons for the appeal.

The notice of appeal must be served by personal delivery or certified mail, return receipt requested.

Within five business days of receiving an appeal, the Secretary of State must:

1. Notify any local jurisdictions who use the manufacturer's voting system or are otherwise potentially affected by the appeal; and
2. Request a hearing from the Office of Administrative Hearings.

[A.R.S. § 41-1092.03\(A\)-\(B\)](#); [A.R.S. § 41-1092.04](#).

b. Hearing on Appeal

If an informal settlement conference pursuant to [A.R.S. § 41-1092.06](#) is not requested, a hearing before the Office of Administrative Hearings:

1. Must be conducted no later than 60 days after the appeal was filed with the Secretary of State;
2. Must include a complete and accurate record;
3. Must be conducted in accordance with [A.R.S. § 41-1092.07](#); and
4. Must be presided over by an administrative law judge, who must issue a recommended decision pursuant to [A.R.S. § 41-1092.08\(A\)](#).

The manufacturer bears the burden of persuasion to establish that the voting system should have been certified or recertified. The administrative law judge must issue a recommended decision within 20 days after the hearing is concluded. [A.R.S. § 41-1092.08\(A\)](#).

The only remedy available is recommended reversal or modification of the Secretary of State's final decision. Damages of any kind may not be awarded.

c. Action on Recommended Decision

Within 30 days following issuance of the administrative law judge's recommended decision, the Secretary of State may accept, reject, or modify the decision. [A.R.S. § 41-1092.08\(B\)](#).

This decision constitutes the final determination of the application for certification or recertification. The Secretary of State must provide notice of the final determination to the manufacturer and any other interested parties.

B. Requirements for Equipment Decertification

If the Secretary of State has reason to believe that a certified voting system is not performing or being utilized in accordance with federal or state law, the Secretary of State may issue an Intent to Decertify the voting system or any component of the system. [A.R.S. § 16-442\(C\)-\(D\)](#).

In reaching the preliminary decision to decertify, the Secretary of State may take into account any of the following:

1. Material breach of contract with any Arizona jurisdiction;
2. Submission of a fraudulent, misleading, or otherwise ineligible application for certification or recertification;
3. Installation or use of an unauthorized voting system;
4. Failure to properly function or perform, including perceived security vulnerabilities;
5. Federal decertification by the EAC;
6. Failure to place election equipment source code in escrow and/or failure to authorize the State of Arizona to access or receive the source code; or
7. Failure to continue to meet any requirements for certification.

Upon issuance of an Intent to Decertify, the Secretary of State must promptly notify the manufacturer and any affected parties. Within 30 days of issuance, the manufacturer and any affected parties may submit written comments to the Secretary of State in support of or opposition to decertification.

Within 120 days of issuance, the Secretary of State must convene the Equipment Certification Committee. At a public meeting the Committee must:

1. Review the evidence for and against decertification;
2. Ask questions to the manufacturer's representatives (as necessary);
3. Seek legal advice in executive session (as necessary); and
4. Vote on whether to recommend decertification.

The Equipment Certification Committee may recommend full or partial decertification. The Committee may also specify the conditions under which the voting system may continue to be used by a county, city, town, or special taxing district. The Equipment Certification Committee must issue a written recommendation to the Secretary of State based on the majority vote from the public meeting.

Within a reasonable period after receiving the Equipment Certification Committee's recommendation, the Secretary of State must issue a final decision on the Intent to Decertify. The Secretary of State may accept, deny, or modify the Equipment Certification Committee's recommendation, including issuance of a conditional recertification. The Secretary must follow

the remaining procedures applicable to issuance of a final decision for an application for certification or recertification. *See* Chapter 4, Section I(A)(3) above.

The manufacturer or affected party may appeal a decertification in accordance with the appeal procedures for denials of certification and recertification. *See* Chapter 4, Section I(A)(4) above.

In addition to decertification, the Secretary of State may prohibit the purchase, lease, or use of any voting system (or component thereof) if a manufacturer or jurisdiction: (1) installs, uses, or permits the use of a voting system that is not certified for use or approved for experimental use; or (2) uses or includes hardware, firmware, or software in a voting system version that is not certified for use or approved for experimental use. [A.R.S. § 16-442\(D\)](#).

C. Emergency Conditional Certification of Upgrade/Modification

If a local jurisdiction requires an emergency upgrade or modification to its existing certified voting system, the jurisdiction may apply to the Secretary of State for emergency conditional certification of the upgrade or modification. Emergency conditional certification allows the voting system to be upgraded or modified without seeking VSTL testing or EAC certification. [A.R.S. § 16-442\(G\)](#).

To apply for emergency conditional certification, the local jurisdiction must:

- Convene its governing board to pass a resolution outlining why the forthcoming election cannot be conducted without the requested emergency conditional certification;
- Make a written request to the Secretary of State that outlines the need for conditional emergency certification, including:
 1. A description of the proposed upgrade/modification;
 2. A description of what aspects of the voting system will be affected;
 3. An explanation why the upgrade/modification is necessary in order to conduct the next election, including a copy of the governing board's resolution;
 4. An explanation why the upgrade/modification could not have been sought earlier through the standard recertification process; and
 5. A description of what safeguards or contingency plans will be implemented if the proposed upgrade/modification does not function as intended during the election; and
 6. Any other information deemed relevant by the local jurisdiction.

Upon receipt of a request for emergency conditional certification, the Equipment Certification Committee must convene as soon as practicable (but no later than 30 days from the date of the request) and follow the same procedures applicable to an application for recertification, except:

- VSTL approval and EAC certification are not required; and
- Both the local jurisdiction and manufacturer are expected to participate in the public meeting and answer the Equipment Certification Committee's questions.

Upon receipt of the Equipment Certification Committee’s recommendation, the Secretary of State must issue a final decision within 15 days or sooner if practicable.

Any grant of conditional emergency certification is limited to six months from the date of the Secretary’s final decision. If the manufacturer has not applied for (and been granted) recertification before expiration of the 6-month period, the conditionally-certified voting system is automatically decertified and ineligible for continued use. [A.R.S. § 16-442\(G\)](#).

The local jurisdiction may appeal a denial of emergency certification in accordance with the appeal procedures for denials of certification and recertification described above.

II. LOGIC & ACCURACY (L&A) TESTING

A logic & accuracy (L&A) test is intended to confirm that votes are attributed to the correct candidates and ballot measures in the Election Management System (EMS) and that each candidate and ballot measure receives the accurate number of votes.

The Board of Supervisors or other officer in charge of elections is responsible for performing an L&A test on all voting equipment prior to each election. [A.R.S. § 16-449\(A\)](#). The conduct of the test must be overseen by at least two county elections staff (of different political parties if possible). [A.R.S. § 16-449\(A\)](#).

For a primary or general election that includes a federal, statewide, or legislative office, the Secretary of State is responsible for conducting an additional L&A test on selected voting equipment.

A. Timeframe to Conduct L&A Testing

1. Accessible Voting Equipment L&A Test

In-person voting, both during the early voting period and on Election Day, requires the deployment of accessible voting equipment for voters with disabilities.

The officer in charge of elections must test all accessible voting equipment prior to an election.

- For a ballot-by-mail election, equipment must be tested at least 15 days before the election.
- For a city, town, school district, special taxing district, or county election, equipment must be tested at least 27 days before the election (prior to the commencement of early voting).
- For a federal, statewide, or legislative election, equipment must be tested prior to the Secretary of State’s L&A test, where practicable, or promptly thereafter.

In the case of federal, statewide, or legislative elections, the Secretary of State tests selected accessible voting equipment within seven days before the start of early voting (*i.e.*, between 27 and 34 days before the election). [A.R.S. § 16-449\(B\)](#).

L&A tests for accessible voting equipment are a prerequisite for the County Recorder to open on-site early voting.

2. Optical and Digital Equipment L&A Test

The officer in charge of elections must test precinct voting equipment and central count equipment within 30 days of an election. In the case of federal, statewide or legislative elections, the Secretary of State must also test selected equipment within 17 days before the election. [A.R.S. § 16-449\(A\)](#).

However, if a county's accessible voting equipment does not independently tabulate votes (*i.e.*, the equipment marks and/or produces a paper ballot that will be tabulated using different voting equipment), the officer in charge of elections and Secretary of State may test all voting equipment (including precinct voting equipment and central count equipment) during the time period applicable to accessible device testing. [A.R.S. § 16-449\(C\)](#). If the officer in charge of elections wishes to have all voting equipment testing completed together, he or she must make that request to the Secretary of State at least 90 days prior to the election. In order to prepare for this consolidated testing, the officer in charge of elections must provide to the Secretary of State all testing materials as referenced in Chapter 4, Section II(D)(2) below, including printed ballots, at least three weeks before the start of early voting. The Secretary of State has discretion to grant or deny a request for consolidated testing based on the circumstances. For example, if test ballots are not timely received, the tests will need to be conducted separately and the officer in charge of elections will be notified of the determination.

3. Rescheduling L&A Tests

The Secretary of State's office must conduct its L&A tests after the officer in charge of elections has conducted county-level tests whenever practicable. In the event the officer in charge of elections has not successfully conducted an L&A test prior the Secretary of State's scheduled test, the officer in charge of elections should contact the Secretary of State to consider whether to postpone the Secretary's L&A test pending further local testing.

If the electronic voting system has not successfully passed the Secretary of State's L&A test, the Secretary of State may schedule a re-test for a later date. Re-testing may continue during the early voting period and through the day prior to the election. However, the officer in charge of elections may not deploy any electronic voting equipment in a federal, statewide, or legislative election that has not successfully passed the Secretary of State's L&A test.

B. Public Notice of L&A Test

The Board of Supervisors or other officer in charge of elections must publish notice of the time and place of each L&A test at least 48 hours in advance of the test. [A.R.S. § 16-449\(A\)](#). The

notice must be published at least once in a daily or weekly newspaper circulated in the county. If no newspaper is published in the jurisdiction, notice must be published in any newspaper of general circulation. [A.R.S. § 16-449\(A\)](#).

If the Secretary of State must reschedule an L&A test or schedule a re-test, and the Board of Supervisors or other officer in charge of elections cannot reasonably comply with the 48-hour public notice requirement, the Board of Supervisors or other officer in charge of elections must:

- Publish notice of the rescheduled L&A test in a daily or weekly newspaper within the county as soon as possible if the notice is capable of being published before the test date;
- Post the notice on the county's website and distribute the notice through any other public communication or social media channel(s) regularly utilized by the county; and
- Provide notice of the place and time of the reschedule L&A test or re-test by phone or email to all L&A test observers from the immediately preceding L&A test.

C. Observers for Logic & Accuracy Test

An L&A test must be observed by the officer in charge of elections. An L&A test must also be open to:

- Designated political party representatives;
- Candidates or candidate representatives;
- Government officials; and
- Members of the public and the media.

[A.R.S. § 16-449\(A\)](#). For security reasons and to prevent disruption of election operations, the officer in charge of elections may specify a designated area where observers are permitted to view the L&A test.

D. Process for Conducting L&A Tests by the Secretary of State

The Secretary of State must conduct an L&A test on accessible voting equipment and optical/digital scan equipment before each federal, statewide, and legislative election.

1. Acquisition of Precinct Information and Voting Equipment

At least eight weeks before a primary election or PPE, the officer in charge of elections must provide the Secretary of State a complete list of precincts and legislative and congressional districts and ensure the Secretary of State possesses the necessary precinct voting equipment to preliminarily verify the county's L&A test results at the Secretary of State's office. To conduct the pre-test, the Secretary of State may acquire the necessary voting equipment from the county or directly from equipment vendors, if practicable. If multiple counties use the same type of voting equipment, the Secretary of State may preliminarily test multiple counties' ballots on the same piece of voting equipment without acquiring voting equipment from each county.

2. Selection of Precincts and Test Ballots

The Secretary of State must randomly select precincts that will be included in each type of L&A test conducted by the Secretary of State.

The Secretary of State generally selects 5-10 precincts for a small or medium-sized county and 10-20 precincts for a large county. In doing so, the Secretary of State must ensure:

- At least one precinct is selected in each congressional and legislative district; and
- Each federal, statewide, and legislative candidate and each ballot question will receive at least one test vote in the selected precincts.

The Secretary of State must also acquire test ballots from each county. If a county will use preprinted ballots and ballots through a ballot-on-demand printer, the officer in charge of elections must provide ballots generated through both printing methods.

For a primary election or presidential preference election, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 ballots from each of the two largest political parties entitled to continued representation on the ballot;
- 25 ballots from every other recognized or new political party; and
- 5 “federal-only” ballots.

The Secretary of State may request additional test ballots if necessary. The Secretary of State also may account for new political parties or the possibility that not all recognized political parties will participate in a presidential preference election.

For a general election, the officer in charge of elections must provide the Secretary of State the following test ballots from each pre-determined test precinct:

- 50 ballots; and
- 10 “federal-only” ballots.

If a precinct contains a precinct split, the officer in charge of elections should ensure the above-referenced test ballots are distributed among each precinct split. In addition, if minority-language ballots are required in the county, the officer in charge of elections must also include minority-language ballots among the requested quantities of test ballots.

The Secretary of State may vary the number of test ballots if necessary.

3. Notification of Completion of Programming

Before each federal, statewide or legislative election, the officer in charge of elections must promptly notify the Secretary of State when the county has completed programming its election.

Within one business day of receiving this notification, the Secretary of State must confirm with the officer in charge of elections the date/time of the accessible and optical/digital scan tests and the conditions for each test, including precinct selections, ballot requirements, and the number of machines selected at random for testing. The Secretary of State must inform the officer in charge of elections of the date/time of the L&A test as soon as practicable.

4. Secretary of State Preparation for L&A Testing

For an accessible voting equipment L&A test, the Secretary of State must:

1. Request that all accessible voting equipment to be used during on-site early voting be made available for the L&A test and be pre-programmed with all precinct ballot styles;
2. Identify the precincts randomly selected by the Secretary of State and request the accessible voting equipment to be utilized at those precincts be made available for the L&A test;
3. Ensure the attendance of any necessary minority language interpreters at the L&A test;
4. Inform the officer in charge of elections that they must:
 - Utilize the actual election program for Election Day (not a copy);
 - Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;
 - Print a zero report from the county's EMS and ensure the report is accessible for examination;
 - Ensure that equipment operators are available to assist with the L&A test;
 - Ensure the equipment is set up, set to run in "election mode," and ready to vote upon the Secretary of State's arrival;
 - Ensure that voter card encoders and bar code printers will be available for testing (if applicable);
 - Ensure political party observers have been contacted for the L&A test;
 - Ensure that headphones and touchpads will be available for all equipment; and
 - Ensure all equipment is capable of processing and outputting the testing results.

For an optical/digital scan equipment L&A test, the Secretary of State must:

1. Request the requisite number of test ballots;
2. Request the applicable memory cards or sticks in order to preliminarily verify L&A test results at the Secretary of State's office;
3. Request that all central count equipment be made available for the L&A test;
4. Identify the precincts randomly selected by the Secretary of State and request the precinct voting equipment to be utilized at those precincts be made available for the L&A test;

5. Inform the officer in charge of elections that he or she must:

- Utilize the actual election program for Election Day (not a copy);
- Reset any vote totals from prior L&A tests and ensure equipment zero tapes are accessible for examination;
- Print a zero report from the county's EMS and ensure the report is accessible for examination;
- Ensure political party observers have been contacted for the L&A test;
- Ensure that equipment operators are available to assist with the L&A test; and
- Ensure the equipment is set up, set to run in "election mode," and ready to vote upon the Secretary of State's arrival.

The officer in charge of elections must provide any requested materials or information to the Secretary of State in accordance with the deadline set forth in the Secretary of State's letter, but no later than five weeks before each election and/or three weeks before the start of early voting.

5. Marking Test Ballots and Creation of Test Script

The Secretary of State must create a script that outlines how each test ballot will be marked.

Votes must be randomly distributed in each of the selected precincts, ensuring that each federal, statewide, and legislative candidate and ballot measure receives at least one vote. In addition, various races and issues must be over-voted to test the optical/digital scan equipment's ability to notify the voter of or out-stack an over-vote, physically or digitally.

Upon receipt of test ballots from the officer in charge of elections, the Secretary of State must mark the test ballots in accordance with the predetermined script.

The Secretary of State also must create a script for each accessible voting machine that specifies how many ballots will be cast on the machine and how the votes will be distributed during the accessible equipment L&A test.

The Secretary of State must run the test ballots through the optical/digital scan equipment provided to the Secretary of State for preliminary verification purposes.

Finally, the Secretary of State creates a summary report that aggregates the vote totals for each candidate and ballot measure. The Secretary of State must ensure these test ballot results match the summary report.

6. Conducting the L&A Test

The Secretary of State must bring a sufficient number of personnel to conduct the L&A test.

Upon arrival, the Secretary of State must ensure that the selected voting equipment has zero recorded votes prior to commencing the L&A test. The Secretary of State then must test the selected voting equipment to ensure each machine reports the correct vote totals (and that the EMS reports the correct aggregate totals) in accordance with the prepared scripts.

The Secretary of State must review ballots, and each ballot display on the accessible voting equipment, to confirm formatting, language, and audio requirements in the testing standards have been met (see testing standards in Section II(E) below).

E. L&A Testing Standards

1. Accessible Voting Equipment

Accessible voting equipment must:

1. Display candidate races, ballot measures, and voter instructions in English and any other language required in the county under the federal Voting Rights Act, at the voter's option;
2. Produce an accurate audio recording in English and any other language required in the county under Section 2003 of the Voting Rights Act;
3. Display the correct voting precinct and state, county, and election type;
4. Display instructions how to use the equipment and mark the ballot;
5. Display the ballot as nearly as practicable in accordance with the formatting requirements for paper ballots, including color marking for partisan primary elections;
6. Display candidate names accurately, in accordance with the candidate's nomination paper;
7. Display ballot measures accurately, in accordance with any certification from the Secretary of State;
8. Sequentially advance from screen-to-screen;
9. Perform the functions selected by the voter;
10. Provide a warning to the voter if the voter attempts to under-vote or over-vote a particular race or issue, or, in the case of an over-vote, prevent a voter from doing so;
11. Increase or decrease the headphone audio volume in accordance with the voter's preferences;
12. Contain a functioning keypad (whether standalone or incorporated into the accessible voting equipment screen);
13. Allow the voter to write in a candidate using a keypad in the voter's selected language;
14. Display a summary screen at the conclusion of voting that matches the voter's selections; and

15. If the accessible voting equipment independently tabulates votes, tabulate the voter's selections accurately, including:

- Accurately tabulating in the EMS; and
- Printing an accurate ballot in English and any other written language required in the county under the federal Voting Rights Act and/or printing an accurate voter verifiable paper audit trail (VVPAT).

2. Optical and Digital Scan Voting Equipment

Optical and digital scan voting equipment must:

1. Attribute votes to the correct candidates and ballot measures in the Election Management System (EMS);
2. Attribute the correct number of votes to each candidate and ballot measure;
3. Warn the operator of an over-vote or out-stack, physically or digitally, a ballot in the event of an over-vote;
4. Record no vote in an over-voted race and out-stack for further adjudication if applicable (precinct voting equipment and central count equipment);
5. Accept ballot styles for that specific precinct and reject ballot styles from other precincts (precinct voting equipment only); and
6. Accept ballot styles from the current election and reject ballot styles from a different election.

In advance of the Secretary of State's L&A test, the officer in charge of elections should conduct a preliminary test of ballots as soon as they are available from the printing vendor to ensure the ballots are correct and meet the requirements for the voting equipment utilized. This may include testing a blank ballot and a fully-voted ballot on every ballot style used in the election.

3. On-Screen/Electronic Adjudication

If on-screen/electronic adjudication of ballots will be utilized as part of the election tabulation system, that functionality shall also be tested during the L&A test to ensure proper functioning and attribution of Electronic Adjudication Board determinations for the ballots electronically adjudicated. *See* Chapter 10, Section II(E) for requirements for electronic adjudication.

4. Certification of Voting Equipment

The Secretary of State must certify the voting equipment if the equipment meets the requirements in the L&A testing standards. Voting equipment may not be deployed or used until the Secretary of State has certified that the equipment passed L&A testing.

If the voting equipment does not meet the mandatory requirements from the testing standards, the Secretary of State should work with the officer in charge of elections to determine the cause

of the deficiency and whether it can be corrected in a timely manner. If the error can be readily corrected, the voting equipment may be retested until the mandatory requirements have been met; otherwise, the L&A test must be rescheduled for a later time and date.

F. County Logic & Accuracy Testing

The officer in charge of elections must substantially follow the L&A testing procedures applicable to the Secretary of State, except that all of the county's deployable voting equipment must be tested. The officer in charge of elections also must conduct a post-election L&A test. *See* Chapter 12, Section II.

G. Retention of L&A Programs, Test Ballots, and Database

The tests ballots and database used in L&A testing shall be:

- Secured immediately after the L&A test is run; and
- Retained until the post-election L&A test is ready to be conducted after ballot tabulation for the election.

Programs and test ballots used in L&A testing shall be under the control of the officer in charge of elections. After completion of the post-election L&A test, the databases and test ballots shall be retained with the official returns according to the retention period applicable for that election.

III. SECURITY MEASURES FOR ELECTRONIC VOTING SYSTEMS

All components of the electronic voting system, including any e-pollbooks uploaded with voter registration information, must be secured in accordance with this section. Counties may establish more stringent and robust security protocols so long as the following minimum requirements are met.

The officer in charge of elections must develop and implement a training plan to ensure that elections staff (along with any temporary workers) understand and comply with all security procedures applicable to the electronic voting system.

A. Physical Security of the Electronic Voting System

Hardware components of the electronic voting system:

1. Must be permanently labeled with a unique serial number for tracking and auditing purposes;
2. Must be inventoried before and after an election;
3. Must be stored in a locked, secured location that prevents unauthorized access;
 - Access to the electronic voting system (including voting equipment and the EMS) must be authorized by the officer in charge of elections. Access must be documented

with a written log or with electronic key card access that indicates the date, time, and identity of the person accessing the system.

4. Must be sealed with tamper-resistant or tamper-evident seals once programmed;
 - The seal number must be logged as corresponding with particular voting equipment and the election media that has been sealed in the voting equipment. The log should be preserved with the returns of the election. In the event of a recount or re-tally of votes, the officer in charge of elections should be prepared to submit an affidavit confirming that the election program and any election media used in the election have not been altered. [A.R.S. § 16-445\(C\)](#).
5. Must be safeguarded from unauthorized access when being moved, transferred, serviced, programmed, or temporarily stored;
6. May be accessed by elections staff only to the extent necessary to perform their authorized task; and
7. Must be witnessed by two or more election staff members (of different political parties if possible) when being moved or transferred, which includes an inventory of the equipment before and after the move or transfer.

B. Data Security of the Electronic Voting System

Components of the electronic voting system:

1. Must be password-protected (for voting system software);
 - In addition to complying with any system requirements, passwords must: (1) contain mixed-cased and non-alphabetic characters, if possible; (2) be changed on a regular basis and may not be a vendor-supplied password; and (3) may be known only by authorized users.
2. May not be connected to the internet, any wireless communications device, or any external network (except for e-pollbooks);
 - An EMS must be a stand-alone system, attached only to components inside an isolated network. An EMS may only be installed on a computer that contains only an operating system, the EMS software, data/audio extractor software, and any necessary security software.
3. May not be used to modem election results, whether through analog, cellular or any similar transmission;
4. May not contain remote access software or any capability to remotely-access the system;
5. Must match the software or firmware hash code on file with the officer in charge of elections prior to programming the election and either (1) the National Institute of Standards and Technology; or (2) the Secretary of State at the time of certification of the electronic voting system; and
6. Must be observed by the officer in charge of elections or a designee if the election program (or any software or firmware) is updated or modified.

In addition, the following security protocols apply to any memory stick or removable electronic storage device used with the electronic voting system:

1. A stick or device must be purchased from a reliable source;
2. A stick or device may be transferred between an internet-connected system and a non-connected electronic voting system only after the stick or device has been scanned with updated antivirus software prior to transfer;
 - The stick or device should only be used once – to transfer data from one system to a second system and then securely disposed of. If the stick or device is used more than once, the stick or device must be cleaned and reformatted (not simply emptied of any previous files) prior to reuse.
3. If the individual file to be transferred between systems was electronically received (whether through download, by email, or any other electronic means), the individual file must be scanned with antivirus software prior to being placed on the stick or device. If any files were downloaded from an internet portal, the portal must be a secure portal for data transmission purposes. Regardless of the method of receipt, however, individual files should only be downloaded, transferred, or otherwise utilized if they were received by a trusted third-party source.
4. If a stick or device was received by mail:
 - The stick or device should only be accepted from a trusted, third-party source;
 - The stick or device must be encrypted by the third-party source, and the password to decrypt the stick or device may not be included with the mailing itself; and
 - Upon receipt, the stick or device must be scanned with antivirus software prior to opening or otherwise executing any file contained on the stick or device.

Finally, the following security protocols apply to the use of e-pollbooks and ballot-on-demand printers:

1. E-pollbooks and ballot-on-demand printers shall only be connected to authorized and secured networks and resources;
2. E-pollbooks and ballot-on-demand printers should, to the extent practicable, transmit and receive data utilizing industry standard best practices for information and network security, including encryption;
3. E-pollbooks and ballot-on-demand printers shall be patched and updated to current versions as designated by the vendor;
4. Only software, applications, or drivers necessary for e-pollbook operation shall be installed on e-pollbooks;
5. E-pollbooks and ballot-on-demand printers shall be tested before each election to ensure proper operation;

6. To the extent practicable, voter data files on e-pollbooks should be compared to the original files by checking a hash code or, at a minimum, comparing file size prior to testing or use at a voting location; and
7. Only power or charging cables supplied by the vendor or purchased from a verified source shall be used to power e-pollbooks.

IV. CONTINGENCY PLANNING

The officer in charge of elections, in consultation with the Board of Supervisors, must develop a written contingency plan in case election operations, including the use of voting systems and any component thereof, are significantly disrupted. A contingency plan should consider all potential sources of disruption, including but not limited to:

- Systemic equipment failures or malfunctions;
- Power outages;
- Natural disasters or infrastructure failure;
- Terror threats or other civil disturbances; and
- Unauthorized access, intrusion, or hacking into election facilities or equipment.

Among other things, a contingency plan must outline how the officer in charge of elections would ensure continuity in voting in case one or more voting locations becomes temporarily or permanently unusable on Election Day, which may include:

- Sending voters to an alternative voting location (whether new or existing);
- Seeking a court order to extend voting hours; and/or
- Requesting voters return to the voting location after the problem has been resolved.

The officer in charge of elections must implement any additional procedures necessary to ensure that voters are properly notified and receive the correct ballot style.

In advance of each election, the officer in charge of elections must review/update the contingency plan and ensure that key staff members have been briefed on the plan. As necessary, the officer in charge of elections should also be prepared to review and/or execute the contingency plan in coordination with:

- The County Recorder;
- The Board of Supervisors;
- The County Attorney's office;
- The County Sheriff's office;
- The Presiding Judge of the Superior Court;
- The Secretary of State's office;

- The Arizona Counter Terrorism Information Center (ACTIC);
- The Arizona Department of Public Safety;
- The Attorney General's office;
- The Federal Bureau of Investigation;
- The U.S. Department of Homeland Security; and
- The U.S. Attorney's office.

The officer in charge of elections must file certain contingency information with the Secretary of State at least ten days in advance of the election, including:

- A description of the officer's contingency plan to tabulate ballots in case of central count equipment failure (see specific requirements below); and
- A copy of the county's election program (see specific requirements below).

A. Tabulation Contingency Plan

The officer in charge of elections must file with the Secretary of State a tabulation contingency plan that identifies alternative voting equipment or facilities in case the county experiences a complete loss of its central count equipment or use of its central counting place.

The plan may include the transport of ballots across county lines. In that case, the ballots must be inventoried and safeguarded by the originating county's employees in the same manner as if the ballots had not been transported. *See* Chapter 9, Section VIII(B). A county must exhaust all possible options (including the acquisition of additional voting equipment from the vendor) before invoking a contingency plan that involves transportation of ballots across state lines.

The officer in charge of elections must notify the Secretary of State (and the chairpersons of the recognized political parties) if a tabulation contingency plan is invoked.

B. Election Program Contingency Plan

Any jurisdiction that conducts an election must file a copy of the election program with the Secretary of State prior to each election. [A.R.S. § 16-445\(A\)](#). This copy may serve as a backup in case the original program is destroyed or rendered unusable.

The election program must be in a machine-readable format and may be transmitted to the Secretary of State via a password-protected CD, DVD, USB memory stick, or secured FTP site.

If any subsequent changes are made to the election program, the officer in charge of elections must file the new copy with the Secretary of State within 48 hours of the change. [A.R.S. § 16-445\(B\)](#).

The Secretary of State must preserve election programs in escrow for three years. The Secretary of State must securely destroy any election program after this retention period has expired. [A.R.S. § 16-445\(A\).](#)

DRAFT FOR PUBLIC COMMENT

CHAPTER 5: ACCOMMODATING VOTERS WITH DISABILITIES

I. VOTER REGISTRATION INFORMATION

Before an election, each county shall prepare and disseminate information, by public notice, in a manner calculated to reach all voters and, in particular:

- Seniors, age 65 or more;
- Persons with disabilities;
- Self-identified voters; and
- Others who request information, including about voter registration deadlines, availability of registration and voting aids, how to vote early, availability of sample ballots, and types of assistance available at voting locations.

Upon a 10-day notice or by the last day to request an early ballot, voting and registration information shall be provided in alternative formats as made available by the applicable County Recorder or officer in charge of elections, which may vary by County and include one or more of the following formats: large print, braille, electronic material for use with a screen reader, and/or computer disk in a format available on the jurisdiction's computer equipment. A voter may make an on-going or permanent request to receive information in a particular format in his or her county.

Voters with a hearing or speech disability may dial 7-1-1 to be connected to a Telecommunications Relay Service (TRS), which permits persons with a hearing or speech disability to use the telephone system via a text telephone (TTY) or other device to call persons with without or without such disability. Each County Recorder and/or officer in charge of elections shall publish information on how voters may use TRS to initiate a call to the office of the County Recorder or officer in charge of elections.

Signs explaining assistance available for voters with disabilities must be posted at permanent registration facilities, polling places, and vote centers. Temporary or permanent signs shall be:

- Posted on stakes or taped to corridor walls to provide reasonable guidance to reach the voting area;
- In large (at least 16 point) clear lettering; and
- On a contrasting background color at a recommended height of 60 inches.

II. VOTING AND VOTING LOCATION INFORMATION

Voters with impairments are entitled to receive voting materials (and access to the voting experience in general) that is equivalent to that provided to voters without impairments. [A.R.S. § 16-442.01\(B\)](#). Thus, with few exceptions, ballots displayed in accessible voting equipment must follow the same content, format and rotational requirements as those applicable to printed ballots. [A.R.S. § 16-442.01\(A\)](#). For example:

1. Voting screens must be in the same order of arrangement as provided for paper ballots as far as practicable, except that information can be printed in vertical or horizontal rows or on separate screens. [A.R.S. § 16-468\(1\)](#).
2. If there are more candidates for a particular race that can be displayed on one voting screen, the screen must indicate that the race is continued on the following screen, and the same number of candidates must be displayed on each screen as far as practicable. [A.R.S. § 16-468\(3\)](#).

In addition, the officer in charge of elections must be prepared to print ballots in braille or large-print format to reasonably accommodate alternative voter requests. [A.R.S. § 16-442.01\(B\)\(2\)](#). Requests must be made to the officer in charge of elections by the second Friday before the election. *See, e.g.,* [A.R.S. § 16-549\(C\)](#).

Information on how individuals may identify themselves as having accessibility needs for voting and for requesting accommodation of those needs at their polling place or vote center shall be attached to or distributed with the voter registration form. Printed materials shall be provided at the time of registration, at the time of notification of registration status pursuant to [ARS § 16-163\(B\)](#), and on all sample ballots. These materials shall advise voters where they may call to ensure accessible voting, report instances of inaccessibility, obtain voting materials in other formats in which information is available.

III. ENSURING ACCESSIBILITY AT THE VOTING LOCATION

Voting locations must comply with the current Americans with Disabilities Act (“ADA”) Standards for Accessible Design. *See* 2016 ADA Standards for Accessible Design, [36 C.F.R. § 1191](#), Appendices B & D (“2016 Standards”). The voting location must be in existing compliance with the Standards or the officer in charge of elections must bring the voting location into compliance with the Standards prior to voting. The officer in charge of elections should consult the ADA Checklist for Polling Places, available at <https://www.ada.gov/votingchecklist.htm>, when confirming that voting locations comply with federal accessibility requirements.

In addition to complying with all federal accessibility requirements, the officer in charge of elections must ensure that all voting locations also meet the following state requirements:

1. **Seating:** Each polling place shall include seating to allow voters to wait to enter the voting booth. A minimum of two seats is recommended.
2. **Stairs:**

- Stair treads shall be no less than 11 inches wide, measured from riser to riser.
- Undersides of nosings shall not be abrupt. The radius of curvature at the leading edge of the tread shall be no greater than ½ inch. Risers shall be sloped or the underside of the nosing shall have an angle not less than 60 degrees from the horizontal.
- Nosings shall project no more than 1 ½ inch.
- Handrails shall be continuous along both sides of stairs. If not continuous, they shall extend at least 12 inches beyond the top riser and at least 12 inches plus the width of one tread beyond the bottom riser.
- The clear space between handrails and wall shall be 1 ½ inch.
- The ends of handrails shall be rounded or returned smoothly to floor or wall.
- Handrails shall not rotate within their fittings.

3. Booths and Equipment:

- At least one voting booth in each polling place shall be accessible. This requires that the clear area in the voting booth be no less than 30 inches by 48 inches. The preferred arrangement provides a knee space 27 inches high below the counter or ballot machine to allow front wheelchair approach. An alternative arrangement provides a clear area parallel to the ballot or counter and sufficient room to maneuver a wheelchair to this position.
- Each polling place and vote center shall have an accessible voting device for use by voters with disabilities. Each accessible voting device shall be prominently marked with a permanent sign that is located in a conspicuous place on the device that is of a color and design approved by the Secretary of State and that bears the internationally accepted symbol of access "Accessible Voting Device." [ARS § 16-447\(A\)](#).

4. Resources for Voters with Sight and Hearing Impairments:

- Each polling place and vote center shall have at least one magnifying instrument.
- For a statewide election, the Secretary of State shall provide each county with at least one large print version of the publicity pamphlet for each polling place, vote center, and early voting site. The officer in charge of elections shall provide at least one large print version of county publicity pamphlets to each polling place, vote center, and early voting site.
- For the hearing impaired, paper and pen/pencil shall be made available.

5. **Rest Stops:** For voters with limited strength/stamina or restricted mobility, periodic rest stops with seats or benches should be available at each polling location, at intervals of approximately 200 feet along the route from the vehicular access location to the voting room. Every effort should be made to provide an accessible route to the

polling place that is less than 200 feet from the accessible parking spaces or passenger loading areas.

6. **Lighting:** Adequate lighting shall be provided inside and outside the polling place and vote center. The interior and exterior routes from the vehicular access locations to the voting areas shall be adequately lit to ensure safe travel for voters.

Polling places and vote centers must be accessible if such a site is available in the precinct. If no site is accessible, temporary measures, as described in Section IV below, shall be taken to make the polling place and vote center accessible.

Each county shall conduct a uniform inspection of all polling places and vote centers to ensure compliance with the criteria set out in this Section. Counties shall have procedures for inspection of each polling place and vote center before each election or provisions in contracts with polling places and vote centers requiring a contact person to inform the county if the accessibility of a polling place or vote center has been altered prior to an election.

The counties shall submit the results of their inspections in a report to the Secretary of State at the same time they certify their election results. *See* Chapter 13, Section II(A)(1). The report shall list the number of polling places and vote centers that are 100% accessible. The report shall also include a list of non-compliant polling places and vote centers, the number of registered voters for each polling place, the reason for non-compliance, and the steps taken to bring the polling place and vote center into compliance. *See* Sample Accessibility Report sample form in Chapter 17.

IV. ALTERNATIVE VOTING OPTIONS

Alternative means of voting shall be used at polling places and vote centers determined by the officer in charge of elections to be inaccessible only when:

- No accessible sites are available; and
- No temporary measures can make them accessible.

When the officer in charge of elections determines that no accessible voting location is available or no alternative means are available, all voters in the precinct shall be notified in advance that the voting location selected for their precinct is inaccessible and provided the reason or reasons for inaccessibility.

The following alternative means of voting may be offered to seniors or voters with disabilities:

- Reassignment to an accessible voting location in a precinct with the same ballot as the senior or disabled voter's precinct;
- Assistance provided by a person of the voter's choice or two election officials of different political parties;
- Early voting; or

- Curbside voting.

If curbside voting is offered, the following guidelines must be met:

- A sign shall be posted at or near the accessible parking spaces: (1) stating that curbside voting is available at that location; (2) asking the voter to relay a message through a companion or other nearby person to the precinct election board that the voter wishes to vote; and (3) providing a telephone number to call for additional information.
- The election official, using the precinct register or electronic poll book, shall: (1) verify the registration status of the senior or voter with a disability; (2) verify the voter's identification; and (3) notify the inspector.
- The inspector shall direct the two election board workers (with different political party affiliations) to proceed to the curbside with an appropriate ballot (and if needed, a provisional ballot affidavit) and permit the voter to privately vote his or her ballot after having signed the signature roster, electronic signature pad, or curbside voter affidavit form, then place the voted ballot in a secrecy sleeve.
- The election board workers shall then return to the voting area and present the ballot to the inspector, who shall deposit the ballot in the tabulation unit or ballot box.

V. SPECIAL ELECTION BOARDS

Personal ballot delivery through a special election board shall be provided to any qualified elector who is confined as a result of a continuing illness or physical disability and is, therefore, not able to go to the polls on Election Day. *See* Chapter 2, Section IV for more details.

VI. BALLOTS FOR VOTERS WITH DISABILITIES

Voters with disabilities are entitled to receive voting materials (and access to the voting experience in general) that is equivalent to that provided to voters without disabilities. [A.R.S. § 16-442.01\(B\)\(1\)](#). Thus, with few exceptions, ballots displayed in accessible voting equipment must follow the same content, format and rotational requirements as those applicable to printed ballots. [A.R.S. § 16-442.01\(A\)](#); [A.R.S. § 16-502\(A\)](#). For example:

1. Voting screens must be in the same order of arrangement as provided for paper ballots, as far as practicable, except that information can be printed in vertical or horizontal rows or on separate screens. [A.R.S. § 16-466\(A\)](#).
2. If there are more candidates for a particular race than can be displayed on one voting screen, the screen must indicate that the race is continued on the following screen, and the same number of candidates must be displayed on each screen, as far as practicable. [A.R.S. § 16-466\(C\)](#).

In addition, the officer in charge of elections must be prepared to provide ballots in alternative formats, such as braille or large-print format to reasonably accommodate requests from voters who are elderly or have a disability. [A.R.S. § 16-442.01\(B\)\(2\)](#). Requests must be made to the

officer in charge of elections by the second Friday before the election. *See, e.g.,* [A.R.S. § 16-549\(C\)](#).

DRAFT FOR PUBLIC COMMENT

CHAPTER 6: CANDIDATE NOMINATION

I. NOMINATION PROCEDURES

A candidate may run for office by obtaining a nomination or running as a write-in candidate.

- Absent a successful challenge, a nomination guarantees the candidate's name will appear on the general election ballot, unless a candidate is elected outright in a city or town primary election (*see* [A.R.S. § 9-821.01](#)). There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels, and one reserved for “independent” or party-unaffiliated candidates.
- In lieu of seeking a nomination, a person may run as a write-in candidate if he or she files the required documentation in advance of the election and, for primary write-in candidates, meets applicable minimum vote requirements.

Under the “resign-to-run” law, except during the final year of the term being served, an incumbent holding a salaried elective office (whether through election or by appointment) must resign his or her current office before filing a nomination paper and seeking nomination or election to any other salaried federal, state, or local public office. [Ariz. Const. Art. XXII, § 18](#); [A.R.S. § 38-296\(A\)](#). Violation of the resign-to-run law results in the incumbent's present office being “declared vacant.” [A.R.S. § 38-296\(E\)](#). To enforce this provision, the Attorney General, applicable County Attorney, or a person entitled to rightfully hold the office must file a *quo warranto* action in court. [A.R.S. § 12-2041](#); [A.R.S. § 12-2042](#); [A.R.S. § 12-2043](#); *Jennings v. Woods*, 194 Ariz. 314 (1999).

A. Candidates for Partisan Federal, State, and Local Office

This section outlines the requirements to run for public offices in Arizona, with the exception of President of the United States.

1. Nomination for Public Office

For partisan elections, a candidate (other than a presidential or precinct committeeman candidate) must be nominated by one of two methods in order to appear on a general election ballot.

- A candidate may be nominated by winning a recognized political party's primary election. [A.R.S. § 16-645](#).
- An independent candidate may be nominated by obtaining nomination petition signatures from qualified electors, known as “nomination other than by primary.” [A.R.S. § 16-341](#).

a. Nomination by Primary Election

A candidate seeking nomination for the general election ballot through a recognized political party's primary election must be a qualified elector in the electoral district for the office sought at the time of filing and a member of the political party for which he or she is seeking a nomination beginning no later than the date of the first signature on the candidate's nomination petition. [A.R.S. § 16-311\(A\)](#).

To qualify for a primary election ballot, a candidate must timely file the following documents with the appropriate filing officer:

- A statement of interest;²⁰
- A nomination paper for the office sought;
- A requisite number of nomination petition signatures; and
- A financial disclosure statement.²¹

[A.R.S. § 16-311](#).

i. Statement of Interest

Effective August 27, 2019, a candidate seeking a primary election nomination must file a statement of interest with the appropriate filing officer no later than the date of the first petition signature. Signatures collected before the filing of the statement of interest are subject to challenge. For the 2019 and 2020 elections, petition signatures collected by candidates who started collecting signatures before August 27, 2019 may not be challenged on the basis of their collection before the filing of a statement of interest so long as the candidate files a statement of interest by January 2, 2020. [S.B. 1451 § 6\(A\), 54th Leg., 1st Sess. \(Az. 2019\)](#).

ii. Nomination Petition Signatures

A candidate seeking a primary election nomination must file a minimum number of nomination petition signatures with his or her nomination paper. [A.R.S. § 16-314\(A\)-\(B\)](#); [A.R.S. § 16-322](#).

Nomination signatures may be gathered on a paper nomination petition form prescribed by the Secretary of State or through the Secretary of State's online signature portal known as E-Qual,

²⁰ A statement of interest is not required for candidates for special taxing districts, candidates for precinct committeeman, or candidates for President or Vice President of the United States. [A.R.S. § 16-311\(H\)](#); [A.R.S. § 16-341\(I\)](#).

²¹ [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\), \(F\)](#); [A.R.S. § 38-543](#). Title 48 special district candidates, school district governing board candidates, and precinct committeemen candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#). A federal candidate is also not required to file a financial disclosure statement but has the option to file a statement on recall with the Secretary of State. [A.R.S. § 19-221](#).

which is currently available for federal, statewide, and legislative candidates. [A.R.S. § 16-315\(A\)](#); [A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

A nomination petition signer must be a qualified elector who resides in the electoral jurisdiction or district in which the candidate seeks office. [A.R.S. § 16-314\(C\)](#). In partisan elections, the petition signer also must be registered to vote with the same recognized political party from which the candidate is seeking a nomination, with a political party not recognized for continued representation on the ballot, or as an independent/no party preference (*i.e.*, the voter must be not be registered with another recognized political party). [A.R.S. § 16-321\(F\)](#).

An elector may only sign one nomination petition for the same office unless more than one candidate is to be elected. For example, an elector may only sign one candidate's petition for state senate but may sign two candidates' petitions for state house. If an elector signs more nomination petitions than permitted, only the earlier signatures are deemed valid. If the questionable signatures were printed on the same date, all signatures printed by the elector on that date are deemed invalid. [A.R.S. § 16-321\(A\), \(C\)](#).

Depending on the type of candidacy, the minimum number of nomination petition signatures may be based on the number of persons qualified to sign a candidate's petition, the number of registered voters in a jurisdiction, the number of votes cast in a jurisdiction, or a static number of signatures. See [A.R.S. § 16-322\(A\)-\(C\)](#).

The Secretary of State must prescribe the nomination petition form for use in federal, state, legislative, county, city and town elections. [A.R.S. § 16-315\(C\)](#). The Secretary of State may prescribe the method of filing nomination petitions for federal, state and legislative offices, including but not limited to the electronic creation and filing of petitions. [A.R.S. § 16-315\(E\)](#).

iii. Filing Officer Processing of Nomination Petition Signatures

A filing officer shall reject nomination petitions for failure to file by the applicable deadline or failure to file the minimum number of required petition signatures. See Chapter 6, Section I(F) for a more detailed discussion of the limited bases for a filing officer to reject candidate filings.

If there is no basis to reject a candidate filing, the filing officer must count the nomination petition signatures to ensure the minimum number of signatures has been filed. A nomination petition signature line should be counted by the filing officer if it contains at least:

- An address or description of place of residence; and
- A signature *or* a printed name.

The filing officer must issue a receipt to the candidate or candidate's committee. If the candidate meets the minimum signature threshold for the office sought, the candidate is qualified for the ballot, subject to any subsequent court challenges or candidate withdrawals.

iv. Deadline to File Nomination Documents

A candidate seeking a primary nomination must file a nomination paper, nomination petitions and financial disclosure statement between 120 and 150 days before the primary election. [A.R.S. § 16-311\(A\)-\(B\), \(E\)-\(F\), \(H\)](#); [A.R.S. § 16-314\(A\)](#). However, a statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 1 of an election year, [A.R.S. § 16-951\(B\)](#).

A candidate seeking a primary nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election. [A.R.S. § 16-222\(B\)\(2\)](#).

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have his or her name printed on the primary election ballot. [A.R.S. § 16-311\(E\)-\(F\)](#).

b. Independent Nomination (Other than by Primary)

In lieu of seeking a nomination through a political party primary, an independent candidate who is not registered with a recognized political party may be nominated for partisan office by filing the requisite number of nomination petition signatures with the filing officer. An independent candidate who meets this threshold will be placed directly on the general election ballot, along with a 3-letter "party" designation. However, an independent candidate may not seek a nomination in this manner if the candidate also filed nomination petitions for the primary election and failed to qualify due to insufficient valid signatures. [A.R.S. § 16-341\(A\)-\(B\), \(D\)](#); [A.R.S. § 16-502\(E\)](#).

Similar to candidates seeking nomination by political party primary, candidates seeking independent nomination must timely file a statement of interest, nomination paper, and a requisite number of nomination petition signatures with the appropriate filing officer. Non-federal candidates must also file a financial disclosure statement if applicable.²² A federal candidate is not required to file a financial disclosure statement, but has the option to file a statement on recall with the Secretary of State. [A.R.S. § 16-341\(E\), \(J\)\(1\)-\(2\)](#); [A.R.S. § 16-314\(A\)](#); [A.R.S. § 16-311\(D\)](#).

i. Nomination Petition Signatures

An independent candidate must collect nomination petition signatures equal to at least 3% of the unaffiliated registered voters in the candidate's jurisdiction, in which he or she is running, who are not registered with a recognized political party based on voter registration totals reported by the Secretary of State or County Recorder, as applicable, as of January 2nd in the general election year. Although the minimum number of signatures required is based on the number of voters not registered with a recognized political party, any person who is registered to vote in the

²² [A.R.S. § 16-311\(H\)\(1\)](#); [A.R.S. § 18-444\(A\), \(F\)](#); [A.R.S. § 38-543](#). Title 48 special district candidates, school district governing board candidates, and precinct committeemen candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#).

state, county, subdivision or district for which the candidate is nominated is eligible to sign the nomination petition without regard to the signer's party affiliation.

Nomination signatures may be gathered on a paper independent nomination petition form prescribed by the Secretary of State or through the Secretary of State's online signature portal known as E-Qual, which is currently available for federal, statewide, and legislative candidates.

A filing officer must process (and in appropriate cases reject) independent nomination petition signatures in the same manner as partisan and nonpartisan nomination petitions. Likewise, if an independent candidate's nomination petitions are challenged in court, the applicable County Recorder must review the challenged signatures in the same manner as partisan or nonpartisan nomination petitions.

[A.R.S. § 16-316](#); [A.R.S. § 16-317](#); [A.R.S. § 16-318](#).

ii. Deadline to File Independent Nomination Documents

Like candidates seeking nomination through a political party primary:

- A candidate seeking a nomination other than by primary must file an independent nomination paper, independent nomination petitions, and a financial disclosure statement between 120 and 150 days before the primary election; [A.R.S. § 16-341\(C\)](#);
- An independent statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may file these nomination documents with the Secretary of State as early as January 1 of an election year. [A.R.S. § 16-951\(B\)](#)

An independent candidate seeking a nomination in a special election to fill a congressional vacancy must file a nomination paper and nomination petitions no more than 30 days after the date of the Governor's proclamation calling the special election. [A.R.S. § 16-222\(B\)\(2\)](#).

A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have his or her name printed on the general election ballot. [A.R.S. § 16-311\(H\)](#).

2. Write-In Candidacy

In lieu of collecting nomination petition signatures to qualify for a primary or general election ballot, a person may run as a write-in candidate. Becoming an official write-in candidate requires the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312](#).

To qualify as an official write-in candidate, a candidate must timely file a write-in nomination paper and financial disclosure statement with the appropriate filing officer. [A.R.S. § 16-312\(A\)](#), [\(C\)](#); [A.R.S. § 18-444\(A\)](#); [A.R.S. § 38-543](#); [A.R.S. § 18-444\(F\)](#). A federal write-in candidate is not required to file a financial disclosure statement but has the option to file a statement on recall with the Secretary of State.

A person may not seek a write-in candidacy in the primary election if the candidate filed a nomination petition for that primary and failed to submit a sufficient number of valid signatures, withdrew from the primary election after a petition challenge in court, or was removed from the primary election ballot or otherwise found to be ineligible by a court of law. A person may not seek a write-in candidacy in the general election for the same reasons listed above as to primary elections. In addition, if the candidate ran and lost in the preceding primary election or did not receive the requisite number of votes required to proceed to the general election, that candidate may not seek a write-in candidacy in the general election. [A.R.S. § 16-312\(F\)\(1\)-\(4\)](#); [A.R.S. § 9-821.01](#); [A.R.S. § 16-645](#).

The required documents must be filed no more than 40 days before the election, except: (i) a write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than five days before the election; and (ii) a write-in candidate who intends to run in a school district, special taxing district, or precinct committeemen election that may be canceled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 76 days before the election in question. [A.R.S. § 16-312\(B\)](#); [A.R.S. § 16-343\(D\)](#). A statewide or legislative candidate seeking public funding under the Citizens Clean Elections Act may not run as a write-in candidate in the primary election. [A.R.S. § 16-950\(E\)](#).

B. Candidates for Nonpartisan Office

A candidate seeking nomination for a nonpartisan office must be a registered voter in the electoral district for the office sought at the time of filing beginning no later than the date of the first signature on the candidate's nomination petition. [A.R.S. § 16-311\(B\)](#). There are specific requirements for eligibility to serve in city and town offices, on school district governing boards, and on special districts boards pursuant to Title 9, Title 15, and Title 48, respectively. In addition, the "resign-to-run" law provisions apply to nonpartisan candidates. *See* Chapter 6, Section I above.

Similar to candidates for partisan office, candidates for nonpartisan office may run by filing nomination documents or by filing documents to run as an official write-in candidate.

1. Nonpartisan Nomination

To qualify to appear on the ballot, a candidate for nonpartisan office must timely file the following nomination documents with the appropriate filing officer:

- A statement of interest;²³
- A nomination paper for the office sought; and

²³ A statement of interest is not required for candidates for special taxing districts. [A.R.S. § 16-311\(H\)](#); [A.R.S. 16-341\(I\)](#). *See* Chapter 6, Section I(A)(1)(a)(i) above for more details on the statement of interest requirement.

- A requisite number of nomination petition signatures.

[A.R.S. § 16-311](#). Candidates for nonpartisan office are generally not required to file a financial disclosure statement.²⁴ However, cities and towns may require candidates to file a financial disclosure statement.

These nomination documents must be filed between 120 and 150 days before the election, except a city or town may adopt by ordinance an alternative deadline for candidates' nomination documents to be filed. [A.R.S. § 16-311\(B\)-\(C\)](#). A candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have his or her name printed on the primary election ballot. [A.R.S. § 16-311\(F\)](#).

For nonpartisan elections in cities and towns, a candidate may be elected at the primary election and a general (runoff) election is not required if the candidate received a majority of votes. [A.R.S. § 9-821.01](#). Additionally, charter cities may differ in their scheduling of candidate elections based on the number of candidates running for office.

2. Write-In Candidacy

In lieu of collecting nomination petition signatures to qualify to appear on the ballot, a person may run as an official write-in candidate. Becoming an official write-in candidate requires the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312](#).

To qualify as an official write-in candidate, a candidate must timely file a write-in nomination paper with the appropriate filing officer. [A.R.S. § 16-312\(A\), \(C\)](#).

A person may not seek a write-in candidacy in the general election if the candidate filed a nomination petition for that election and failed to submit a sufficient number of valid signatures, withdrew from the election after a petition challenge in court, or was removed from the election ballot, or was otherwise found to be ineligible by a court of law. [A.R.S. § 16-312\(F\)\(1\)-\(4\)](#); [A.R.S. § 9-821.01](#); [A.R.S. § 16-645](#).

The required documents must be filed no more than 40 days before the election, except: (i) a write-in candidate to fill a vacancy that occurs after the official ballots have been printed must file the required nomination documents no later than five days before the election; and (ii) a write-in candidate who intends to run in a school district, special taxing district, or precinct committeemen election that may be canceled due to an insufficient number of candidates seeking election must file the required nomination documents no later than 76 days before the election in question. [A.R.S. § 16-312\(B\)](#); [A.R.S. § 16-343\(D\)](#).

²⁴ Title 48 special district candidates, school district governing board candidates, and precinct committeemen candidates are not required to file a financial disclosure statement. See [A.R.S. § 38-543](#); [A.R.S. § 38-541\(8\)](#).

For nonpartisan special district elections, the candidate(s) who receives the highest number of votes is elected. [Ariz. Const. Art. VII § 7](#). For elections in cities and towns, a candidate may be elected at the primary election and a general (runoff) election is not required if the candidate received a majority of votes. [A.R.S. § 9-821.01](#). Additionally, charter cities may differ in their scheduling of candidate elections based on the number of candidates running for office.

C. Presidential Candidates

A candidate may run for U.S. President in Arizona by one of two methods: obtaining a nomination or running as a write-in candidate.

Absent a successful challenge, a nomination means the presidential candidate's name will appear on the general election ballot in a presidential election year. There are two methods for obtaining a nomination: one reserved for candidates running under recognized party labels, and one reserved for "independent" or party-unaffiliated candidates.

- A candidate seeking the nomination of a recognized political party usually runs in the Presidential Preference Election (PPE). However, the presidential and vice-presidential candidates that ultimately appear on the general election ballot will be formally nominated by party delegates at national conventions held during the summer preceding the election. As a prerequisite, each recognized political party must timely submit the names of presidential electors that will cast votes for the winning candidate in the Electoral College.
- Alternatively, a candidate may qualify as an independent presidential candidate by collecting nomination petition signatures. If the candidate meets the requisite signature threshold, the candidate and his or her vice-presidential running mate (along with a party label of the candidates' choice) will appear on the general election ballot.

In lieu of seeking a nomination, a person may run as a write-in presidential candidate if he or she files required documentation in advance of the general election.

1. Presidential Preference Elections

A PPE is only open to candidates seeking the nomination of a recognized political party. Write-in candidates are prohibited from participating in the PPE. [A.R.S. § 16-243\(B\)](#); [A.R.S. § 16-244](#); [A.R.S. § 16-247](#).

Candidates seeking to appear on their political party's PPE ballot must meet the constitutional qualifications for President of the United States and submit valid nomination documents before the filing deadline. The candidate that receives the most votes at the PPE will be entitled to have their party's delegates from the State of Arizona vote for them at their political party's national convention.

a. Required Documents for Running in the PPE

A candidate may qualify for the PPE ballot by filing with the Secretary of State: (i) a PPE nomination paper; and (ii) PPE nomination petition with the requisite number of signatures, *or* certificates of presidential preference ballot qualification from at least two other states. [A.R.S. § 16-242\(A\)](#); [A.R.S. § 16-311\(A\)-\(B\), \(D\), \(G\)](#); [U.S. Const. Art. II, § 1, cl. 5](#).

i. PPE Nomination Petition Signatures

A presidential candidate may qualify for the PPE ballot by filing a minimum number of nomination petition signatures with his or her nomination paper. A PPE candidate must collect at least 500 nomination petition signatures from qualified electors. For a recognized political party that has at least 50,000 registered voters in Arizona, only qualified electors registered with that political party may sign the nomination petition. For a recognized political party with less than 50,000 registered Arizona voters, any registered voter may sign the nomination petition. [A.R.S. § 16-242\(C\)](#).

ii. Alternative to Submitting Nomination Petition Signatures

In lieu of filing nomination petition signatures, a presidential candidate may submit official documentation from the chief election office, commission or board in at least two other states proving that the candidate previously qualified for the partisan party ballot in that state. A signed letter on official government letterhead will suffice. Only states with primary-style (not caucus) presidential preference elections are eligible for this reciprocity. [A.R.S. § 16-242\(E\)](#).

b. Deadline to File Nomination Documents

A presidential candidate must file a PPE nomination paper and PPE nomination petitions or certificates of ballot qualification between 100 and 130 days before the PPE. If the deadline for filing falls on a weekend or legal holiday, the nomination documents must be filed by the next business day. A presidential candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have his or her name printed on the PPE ballot. [A.R.S. § 16-242\(B\)](#).

c. Opting Out of the PPE

Participation in the PPE by an eligible party is not mandatory. *See Arizona State Democratic Committee v. Hull*, No. CV 96-00909 (Ariz. Super. 1996). If an eligible party chooses not to participate in the PPE, the state party's chairperson must notify the Secretary of State in writing by September 16, 2019 for the 2020 PPE, and by September 1 (or the next business day if that date falls on a weekend or state holiday) of the year preceding the PPE for every PPE thereafter. The Secretary of State will promptly notify county officials and provide further instructions as needed.

The presidential nominee of eligible parties who opt out of the PPE may appear on the general election ballot so long as their party chairpersons nominate presidential electors as prescribed by statute and by the statutory deadline. [A.R.S. § 16-344](#); see Chapter 6, Section I(B)(2) below.

2. Presidential Nomination Through Party Convention

Presidential and vice-presidential candidates who were nominated by recognized political parties at national party conventions will appear on the general election ballot, contingent on the state political party's timely submission of the presidential electors' names to the Secretary of State.

a. Required Documents for Seeking Nomination

The state chairperson of a recognized political party must file nomination papers for its presidential electors, which must be equal to the number of U.S. Senators and members of the U.S. House of Representatives from Arizona. [A.R.S. § 16-344](#).

b. Deadline to File Nomination Documents

The state chairperson of a recognized political party must file presidential elector nomination papers no later than ten days after the primary election. A recognized political party that does not file the requisite number of presidential elector nomination papers by 5:00 p.m. on the last day for filing is not eligible to have its presidential, vice-presidential, or presidential elector names printed on the PPE ballot. [A.R.S. § 16-344\(A\)](#).

3. Independent Presidential Candidates

A candidate who is not affiliated with a recognized political party label may seek nomination as an independent candidate. If the candidate meets the requisite signature threshold, the candidate and his or her vice-presidential running mate (along with a party label of the candidates' choice) will appear on the general election ballot.

To qualify as an independent presidential candidate on the general election ballot, a candidate must file the following documents with the Secretary of State:

- A letter of consent;
 - An independent presidential candidate must file a letter with the Secretary of State designating the candidate's vice-presidential running mate and the names of his or her presidential electors, including each person's signed consent to be designated as a candidate. The letter of consent is separate from the nomination papers that must be filed. The wording of the letter is left to the candidate's discretion, as long as the letter is signed by the vice-presidential running mate and each presidential elector. [A.R.S. § 16-341\(I\)](#).
- Independent nomination papers for the presidential, vice-presidential, presidential elector candidates; and
- Independent nomination petitions.

An independent presidential candidate must submit nomination petition signatures equal to at least 3% of unaffiliated registered voters in the state who are not registered with a recognized political party. The number of unaffiliated registered voters is determined on the basis of voter registration totals reported by the Secretary of State of January 2nd in the general election year. [A.R.S. § 16-341\(E\)-\(G\)](#).

Any registered voter may sign the petition as long as the voter has not signed another presidential elector nomination petition for the same presidential election. A “federal-only” voter is qualified to sign. [A.R.S. § 16-341\(G\)](#). Otherwise, the same rules for signing and circulating a partisan nomination petition apply to independent presidential nomination petitions. *See* Chapter 6, Sections I(A) and I(D).

An independent presidential candidate must file a letter of consent, nomination papers, and nomination petitions between 60 - 90 days before the general election. [A.R.S. § 16-341\(G\), \(I\)](#).

4. Write-In Candidate for President

In lieu of securing a nomination to qualify for the general election ballot, a person may run as a write-in presidential candidate. Becoming an official write-in candidate causes the officer in charge of elections to tabulate any write-in votes for the candidate and include those results in the official canvass of the election. [A.R.S. § 16-312\(C\)](#).

A person may not seek a write-in candidacy in the general election if the candidate filed independent presidential nomination petitions for the current election. [A.R.S. § 16-312\(F\)\(4\)](#).

A write-in presidential candidate may qualify for the general election ballot by filing with the Secretary of State: (i) a letter of consent signed by the vice-presidential running mate and each presidential elector; and (ii) write-in nomination papers for the presidential, vice-presidential, presidential elector candidates. [A.R.S. § 16-312\(G\)](#).

A write-in presidential candidate must file a write-in a letter of consent and requisite nomination papers no more than 40 days before the general election. A write-in presidential candidate who does not file the requisite nomination documents by 5:00 p.m. on the last day for filing is not eligible to have votes tallied or included in the official canvass. Promptly after the close of the filing deadline, the filing officer must notify the Board(s) of Supervisors (as necessary) of any write-in candidates certified for the ballot. [A.R.S. § 16-312\(B\), \(E\)](#).

D. Candidate Nomination Petition Circulators

Circulators of candidate nomination petitions are not required to be Arizona residents, but must otherwise be qualified to register to vote in this state pursuant to [A.R.S. § 16-101](#). If the circulator is not a resident of this state, he or she must register as a circulator with the Secretary of State through the [Circulator Portal \(https://azsos.gov/elections/requirements-paid-non-resident-circulators\)](https://azsos.gov/elections/requirements-paid-non-resident-circulators).

A circulator must complete the affidavit on the back of the nomination petition attesting that each of the names on the petition was signed in the circulator's presence on the date indicated and that, in the circulator's belief, each signer was a qualified elector who resides at the address given as the signer's residence on the date indicated. If the nomination petition is for a partisan election, the circulator must additionally attest that each signer is a qualified signer. [A.R.S. § 16-321\(D\)](#).

E. Filing Officer for Candidate Documents

Candidate documents, including statement of interest, nomination papers, nomination petitions, and financial disclosure statements, must be filed with the proper filing officer.

The Secretary of State is the filing officer for:

- Presidential elector candidates;
- Presidential preference election candidates;
- U.S. Senate and U.S. House of Representatives candidates;
- Statewide candidates;
- Legislative candidates;
- Supreme Court justices (seeking retention); and
- Court of Appeals judges (seeking retention).

[A.R.S. § 16-311\(E\)](#); [A.R.S. § 16-242\(A\)](#); [A.R.S. § 16-311\(E\)](#); [Ariz. Const. Art. VI, § 38\(A\)](#).

The county officer in charge of elections is the filing officer for:

- County candidates, including County Sheriff, County Attorney, County Recorder, County Treasurer, County Assessor, County Superintendent of Schools, and County Supervisors;
- Candidates for precinct office, which include:²⁵
 - Justice of the Peace candidates;
 - Constable candidates; and
 - Precinct committeemen candidates;
- Community college district governing board candidates;²⁶
- Special taxing district candidates;
- Superior Court judges (seeking election or retention); and

²⁵ *Nicol v. Superior Court, Maricopa County*, 106 Ariz. 208, 209 (1970) (Justices of the Peace and Constables are “precinct officers” pursuant to [A.R.S. § 22-102](#)).

²⁶ Community college district governing board candidates file nomination papers with the “appropriate county officer,” which may be the county officer in charge of elections in some counties or the county school superintendent in others. See [A.R.S. § 15-1442\(A\)](#).

- Clerk of the Superior Court candidates.²⁷

[A.R.S. § 16-311\(F\)](#); [A.R.S. § 15-1442\(A\)](#).

The county school superintendent is the filing officer for:

- School district governing board candidates; and
- Joint technical education district governing board candidates.

[A.R.S. § 15-422\(A\)](#); [A.R.S. § 15-431\(B\)\(6\)](#); [A.R.S. § 16-311\(F\)](#); [A.R.S. § 15-393\(A\)\(4\), \(C\)\(5\)](#).

The city or town clerk is the filing officer for candidates for city or town council or mayor.
[A.R.S. § 16-928\(A\)\(3\)](#).

F. Bases to Reject a Candidate Filing

A filing officer shall reject a candidate filing on any of the following bases:

- Failure to file a sufficient number of nomination petition signatures. A filing officer may reject nomination petitions without conducting a full count if the candidate or campaign acknowledges that an insufficient number of signatures are being presented for filing;
- Failure to file nomination documents by the statutory deadline;
- Failure to file all the required documents to run for office (except that failure to file a statement of interest is not a basis to reject a filing, although it renders signatures collected prior to filing a statement of interest subject to challenge);
- Failure to fully or properly complete any required document to run for office, including:
 - Failure to sign a document that requires a signature (electronic or type-written signature may be permitted);
 - Failure to select a required checkbox or answer a required question;
 - Use of an honorific or other authorized title on a nomination paper. However, when possible, a filing officer should simply reject the unauthorized honorific or title in lieu of rejecting the nomination paper altogether.
- Failure to use the correct form or correct version of any required document, as prescribed by the filing officer, to run for office;
- Seeking more than one office at the same time; or
 - However, a candidate for legislative office may simultaneously run for community college district, school district, or joint technical education district governing board member, and a candidate for U.S. Senate or U.S. House of Representatives may also run for U.S. President or U.S. Vice President during the same election cycle. [Ariz. Const. Art. IV, Pt. 2, § 5](#); [A.R.S. § 38-296.01\(B\)](#).

²⁷ Ariz. Op. Atty. Gen. No. I85-086 (R85-071) (1985) (holding that candidates for Clerk of the Superior Court are treated as county candidates for the purpose of filing nomination petitions).

- Failure by the candidate (other than a federal candidate) to make complete payment of any monetary penalties, fines, or judgments resulting from campaign finance violations under Title 16, Chapter 6. However, outstanding fines resulting from failure to file an annual financial disclosure statement or officeholder account report are not grounds to refuse a nomination paper.

[A.R.S. § 16-322](#); [A.R.S. § 16-311\(H\)](#); [A.R.S. § 16-311\(D\), \(I\)](#).

Any other alleged deficiencies in a candidate's nomination documents should be addressed in court. For example, the filing officer is not authorized to reject a nomination paper or nomination petitions "that have been submitted by a candidate who is found guilty of petition forgery," nor may a filing officer reject nomination papers of a candidate for failure to meet residency requirements if the papers "on their face substantially comply with the terms of the statute." [Ariz. Att. Gen. Op. No. I84-096](#). Any such disqualification must be ordered by a court in the context of a candidate challenge filed pursuant to [A.R.S. § 16-351\(F\)](#).

II. NOMINATION PETITION CHALLENGES

Any qualified elector may challenge a candidate for any reason relating to the qualifications for the office sought as prescribed by law, or based on insufficiency of the nomination petition and/or the signatures thereon. [A.R.S. § 16-314](#); [A.R.S. § 16-321](#); [A.R.S. § 16-351](#).

A. Initiating a Candidate Petition Challenge

Challenge procedures are specified in [A.R.S. § 16-351](#). The challenge petition must be filed in superior court no later than 5:00 p.m. on the tenth day, excluding Saturday, Sunday, and legal holidays, after the deadline for filing nomination papers and petitions.

- The challenger must state specifically the grounds for the challenge. If nomination petition signatures are being challenged, the challenge petition must specify the petition page and line number for each signature being challenged as well as the grounds for challenging each signature.
- The challenge petition must name as defendants: (i) the Board of Supervisors of any county involved in the challenge, (ii) the County Recorder for any county involved, (iii) the appropriate filing officer, and (iv) the candidate that is subject to the challenge. If the candidate is seeking nomination for office for a jurisdiction or district that crosses county lines, the challenge petition must name the appropriate Board of Supervisors and County Recorder for each county included in the jurisdiction or district.
- The challenge petition must be served immediately after the challenge is filed and, in any case, no later than 24 hours after it is filed, excluding Saturday, Sunday, and legal holidays.

B. Service of Process and Notification Requirements

The officer with whom the challenged candidate filed his or her nomination paper and petitions is the designated agent for service of process in all candidate challenges. *See* Chapter 6, Section I(E).

Once the correct filing officer has been served with the challenge, the filing officer must immediately mail a copy of the petition to the candidate and notify the candidate by phone and/or email of the challenge. The filing officer shall also immediately notify the County Recorder(s) named in the challenge and provide the County Recorder(s) with a copy of the challenge and a copy of the front sides of the nomination petitions (if applicable) filed by the challenged candidate. [A.R.S. § 16-351\(D\)](#).

C. County Recorder Signature Verification

The filing officer should provide the pertinent nomination petition pages to the County Recorder(s) promptly upon receipt of the complaint and reasonable certainty of a challenge, regardless of whether the Plaintiff has formally served process on the filing officer. Upon receipt of the challenge and the nomination petitions from the filing officer, the County Recorder(s) must perform signature verification on the nomination petition signatures that are being challenged, if any.

The following procedures apply to the County Recorder's signature verification:

- The County Recorder need only perform signature verification for the challenged signatures of qualified electors in the County Recorder's county. For a nomination petition challenge for an office where the applicable boundaries include multiple counties, the County Recorder need only verify the petition signatures of the County that is designated at the top of the nomination petition form.
- The County Recorder need only perform one check of the signatures that are challenged.
- For a challenge that alleges that specific petition signers are not registered to vote, the County Recorder will search the County's voter registration database, as of the time of the filing of the court action, for the signer's name and address.
- If the County Recorder is the candidate being challenged, the County Recorder will be screened from the signature verification process and will have staff conduct the signature verification and prepare the report. The County Recorder shall not personally work on the verification.
- The County Recorder must ensure the staff performing the signature verification has at least two hours of signature verification and handwriting comparison training. Temporary employees may be trained by full time staff with at least two election cycles of signature verification experience.
- The County Recorder need not retain or employ a handwriting expert to perform signature verification.

1. Criteria for Disqualifying Signatures

The County Recorders shall apply the criteria spelled out in the County Recorder Petition Signature Verification Guide (*see* Chapter 17, Appendix 4) when performing signature verification.

2. County Recorder's Signature Verification Report

Upon completion of verification of challenged signatures, the County Recorder must prepare a report of the results of the verification.

- The report shall include: (i) the list of challenged signatures determined to be invalid by the County Recorder; and (ii) the basis or bases for the County Recorder's determination that the signature is invalid.
- The County Recorder may limit the reasons for disqualifying a signature to the reason(s) identified by the challenger. Nonetheless, in the County Recorder's discretion, the County Recorder may identify, and the County Recorder's report may reflect, a reason for disqualifying a signature other than the reason(s) specified in the challenge.
- The County Recorder shall produce the signature verification report as soon as practicable after receiving, or having access to, the pertinent nomination petition pages from the filing officer or as required by the court.

3. Testimony and Evidence by County Recorder

In addition to the County Recorder's signature verification report, the County Recorder(s) and the filing officer, or their designee(s), must also provide testimony and other evidence for the challenge hearing on the request of any of the parties to the court action. [A.R.S. § 16-351\(E\)](#).

If a party to a nomination petition challenge requests certified copies of voter registration forms, the County Recorder must make best efforts to provide the certified copies as soon as practicable and prior to the court hearing. Due to the very condensed timeframe for challenges, the requestor should cooperate with the County Recorder to facilitate timely fulfillment of the requests, including by providing the voter registration number for each individually identified voter at the County Recorder's request. If the County Recorder is unable to apply statutorily-required redactions within the necessary timeframe, the County Recorder should seek to produce the records pursuant to an appropriate protective order or under seal in accordance with the Arizona Rules of Civil Procedure and other applicable law.

D. Duties of the Challenger and Candidate

Upon filing the challenge, the challenger shall provide the applicable County Recorder(s) an electronic, sortable version of any spreadsheet filed with the complaint, which identifies the page number, line number, and reason for the challenge for each petition signature being challenged. To the extent practicable, this spreadsheet should also provide the full name, address, and voter

registration identification number for each signer whose signature is being challenged. The candidate should provide this spreadsheet to the County Recorder as soon as practicable after the challenge is filed.

To facilitate the County Recorder's signature verification, the candidate being challenged may provide the County Recorder with a spreadsheet listing the petition page number and line number in the same order as provided in the challenger's spreadsheet and indicating the candidate's response as to each challenged signature.

E. Court Hearing

The hearing on the challenge and the court's ruling must occur within ten days after the challenge is filed excluding Saturdays, Sundays and holidays. [A.R.S. § 16-351\(A\)](#); *but see Brousseau v. Fitzgerald*, 138 Ariz. 453 (1984) (holding that the ten day requirement for action by the court on nomination petition challenges is directory, not mandatory).

F. Costs and Expenses

The filing officer has no statutory duty to reimburse County Recorders for signature verification or other expenses incurred in connection with nomination petition challenges. Accordingly, County Recorders should seek sufficient funding from their Board of Supervisors to ensure the ability to comply with the signature verification and reporting requirements of [A.R.S. § 16-351](#).

The County Recorder may seek reasonable expenses from the challenger or candidate under specified circumstances. If the court finds that the challenge was without substantial justification or primarily for the purpose of delay or harassment, the court may enter judgment in favor of the County Recorder or officer in charge of elections and against the challenger for the reasonable expenses incurred in the signature verification process. If the court finds that the candidate knowingly or recklessly submitted a substantial number of invalid signatures, the court may enter judgment in favor of the County Recorder or officer in charge of elections for the reasonable costs incurred in the signature verification process. [A.R.S. § 16-351.01](#).

CHAPTER 7: PRESIDENTIAL PREFERENCE ELECTION

I. TIMING

A Presidential Preference Election (“PPE”) shall be held on the Tuesday immediately following March 15 in a presidential election year or on a later date pursuant to a proclamation issued by the Governor at least 180 days before the date set forth in the proclamation. No other election may appear on the same ballot as the PPE. [A.R.S. § 16-241\(A\)-\(B\)](#).

II. ELIGIBILITY TO PARTICIPATE IN THE PPE

A. Party Eligibility to Participate in the PPE

Only political parties eligible for continued representation on the ballot pursuant to [A.R.S. § 16-804](#) and new political parties eligible to appear on the ballot pursuant to [A.R.S. § 16-801](#) may participate in the PPE. [A.R.S. § 16-244\(A\)](#). New parties must have filed their petition for recognition as a new party with the Secretary of State between 150 and 180 days before the PPE in order to be eligible to participate in the PPE. [A.R.S. § 16-244\(A\)\(2\)](#).

Eligible political parties are not required to participate in the PPE, and may opt to conduct their own election or caucus instead. *See Arizona State Democratic Committee v. Hull*, No. CV96-00909 (Maricopa County Super. Ct., Feb. 1, 1999) (holding that the PPE is different from a primary election and political parties can choose whether or not to participate). If an eligible party chooses not to participate in the PPE, the state party’s chairperson must notify the Secretary of State in writing by September 16, 2019 for the 2020 PPE, and by September 1 (or the next business day if that date falls on a weekend or state holiday) of the year preceding the PPE for every PPE thereafter. The Secretary of State will promptly notify county officials and provide further instructions as needed.

B. Eligibility to Vote in the PPE

The “open primary” laws, [AZ. Const. Art. 7 § 10](#), do not apply to the PPE. Only qualified electors registered with the political parties participating in the PPE may vote in the PPE. Independent voters or voters with no party preference and voters affiliated with a political party that is not participating in the PPE may not participate unless they change their party registration or affiliation to that of a participating political party by the deadline to register to vote in the PPE. [A.R.S. § 16-241\(A\)](#); *see also* [Attorney General Opinion No. I99-025 \(R99-049\)](#).

Voters not on the PEVL may request a ballot-by-mail for the PPE within 93 and 11 days before the election. [A.R.S. § 16-246\(A\)](#).

C. Candidate Participation in the PPE

Candidates seeking to appear on the PPE ballot must meet the requirements set forth in [A.R.S. § 16-242](#). Candidates may file with the Secretary of State either:

- A nomination paper and nominating petitions signed by at least 500 qualified electors who are eligible to vote for the candidate in the PPE; or
- A notice of candidacy affirming that they are on the PPE ballot of at least two other states.

[A.R.S. § 16-242\(C\)-\(E\)](#).

Write-in candidates are prohibited. [A.R.S. § 16-247](#).

The Secretary of State will certify to counties the names of candidates who qualify for the PPE ballot within 72 hours of the close of the filing period. [A.R.S. § 16-242\(F\)](#). The filing period for the PPE is 130 to 100 days before the PPE. [A.R.S. § 16-242\(B\)](#).

III. PPE BALLOTS

A. Official Ballot

Official ballots for the PPE must meet the following requirements:

1. They must be printed on different colored paper for each party if more than one party is participating, or white paper with a different colored stripe at the top;
2. Only one party may be represented on each ballot;
3. The top of each ballot must contain the words, “Official Ballot of the _____ Party, Presidential Preference Election (date), County of _____, State of Arizona.”
4. Candidate names must be printed in a random order determined by the Secretary of State through the drawing of lots. Rotation of candidate names is prohibited. Above the list of candidate names, the title “_____ party candidates for President of the United States” should be printed, along with “vote for not more than one” immediately below the title. The ballot may also contain other printed instructions to voters as prescribed for other elections.
5. The ballot should be configured so that it may be tabulated by congressional districts.

[A.R.S. § 16-245](#); [A.R.S. § 16-249\(C\)](#).

B. Sample Ballots

Sample ballots for the PPE must be mailed to each household containing a registered voter eligible to participate, unless each qualified voter is on the PEVL. No elected or appointed public officer's name should appear on the sample ballot, and each ballot must contain a conspicuous disclaimer that the ballot is not official. The sample ballot must also contain a list of acceptable forms of voter identification pursuant to [A.R.S. § 16-579\(A\)\(1\)](#); [A.R.S. § 16-245 \(D\)-\(E\)](#).

The mailing face of each sample ballot must be imprinted with the Great Seal of the State of Arizona, and the words, "Official Voting Materials – Presidential Preference Election." [A.R.S. § 16-245 \(D\)-\(E\)](#).

The officer in charge of elections must provide a ballot proof to the chairperson of each participating party within five days of receiving the list of certified candidates from the Secretary of State. [A.R.S. § 16-245\(C\)](#).

IV. CONDUCT OF THE PPE

The Presidential Preference Election should be conducted in the same manner as any other primary election held pursuant to [A.R.S. § 16-201](#). All provisions of other laws governing elections apply to the PPE, except as otherwise provided in Title 16, Chapter 2, Article 4, including laws relating to registration and qualification of electors. [A.R.S. § 16-241\(C\)-\(D\)](#). The PPE is also subject to the hand count procedure detailed in Chapter 11, Section VIII.

A. Voting Locations

Not less than 20 days before a PPE, the Board of Supervisors must designate a reasonable and adequate number of voting locations for the PPE, based on the number of active registered voters as of January 2 of the year of the PPE.²⁸ County Boards of Supervisors must follow the formulas set out in [A.R.S. § 16-248\(C\)-\(E\)](#) to determine the maximum allowable number of polling places. The Secretary of State may release a county from these limits if complying with them would jeopardize compliance with federal or state law. [A.R.S. § 16-248\(F\)](#). In addition, the limits and consolidation requirements do not apply to Native American reservations. [A.R.S. § 16-248\(G\)](#).

The officer in charge of elections may conduct the PPE entirely by mail in precincts with fewer than 300 active, registered voters (except for on Native American reservations). [A.R.S. § 16-248\(H\)](#).

²⁸ Although [A.R.S. § 16-248\(B\)-\(E\)](#) specifies that the designation of polling places should be based on the number of active registered voters as of "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

In addition to Election Day voting locations, County Recorders may establish on-site early voting locations and provide for special election boards within the time limits and procedures applicable to other elections. [A.R.S. § 16-246\(C\)](#); *see also* [A.R.S. § 16-542](#). With authorization from the Board of Supervisors, a County Recorder may also establish emergency voting centers between 5:00 p.m. on the Friday preceding the PPE and 5:00 p.m. on the Monday preceding the PPE. [A.R.S. § 16-246\(F\)](#).

B. Certification of Results

1. The Board of Supervisors

The results of the PPE must be canvassed by congressional district. [A.R.S. § 16-249\(C\)](#). Each county Board of Supervisors should meet to canvass the returns within ten days after the PPE, and provide a certified permanent copy of the official canvass to the Secretary of State on paper and electronically.

2. Secretary of State

The Secretary of State must canvass the returns and certify the results of the PPE to the chairpersons of participating political parties on or before the second Monday after the PPE. [A.R.S. § 16-661](#), relating to automatic recounts, does not apply. [A.R.S. § 16-249\(A\)-\(B\)](#).

V. COUNTY REIMBURSEMENT FOR THE PPE

The Secretary of State, in consultation with County Recorders and other officers in charge of elections, must include in the budget request for the Secretary of State's Office sufficient funding from the state general fund to conduct the PPE. Counties are generally entitled to reimbursement for PPE costs at a rate of \$1.25 for each active registered voter in the county as of January 2 of the year of the PPE.²⁹ The Secretary of State may release a county from this reimbursement rate upon determining that being bound by it would jeopardize the county's compliance with federal or state laws and regulations. [A.R.S. § 16-250](#).

²⁹ Although [A.R.S. § 16-250](#) specifies that reimbursement should be based on the number of active registered voters in the county on "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

CHAPTER 8: PRE-ELECTION PROCEDURES

I. ESTABLISHING PRECINCTS AND VOTING LOCATIONS

A. Establishing Precincts

The Board of Supervisors must establish a convenient number of election precincts within the county and define those precincts' boundaries. If the Board of Supervisors seeks to change existing precinct boundaries, for example, to address population shifts or excessive wait times, the Board must finalize those changes by October 1 in the year preceding a general election and deliver a complete description of the updated precinct boundaries to the County Recorder or other officer in charge of elections. [A.R.S. § 16-411\(A\)](#). The new precinct boundaries become effective on January 2 of the year of the general election. [A.R.S. § 16-412](#).

B. Establishing Voting Locations

Counties may conduct Election Day voting using one of two types of voting locations (or any combination thereof, as approved by the Board of Supervisors):

- **Polling places:** voters in a particular precinct are required to vote at a polling place specifically designated for that precinct; or
- **Vote centers:** voters are permitted to vote at any vote center within the county, regardless of which precinct the voter lives in.

Collectively, polling places and vote centers are referred to as “voting locations” in this Manual.

Upon approval of the Board of Supervisors, the officer in charge of elections may establish precinct-based assigned polling places and/or vote centers, or any combination thereof, including co-location of precinct polling places or vote centers that also serve as assigned polling places for certain precincts. See [A.R.S. § 16-411\(B\)\(4\)](#). In any case, the Board of Supervisors (in consultation with the officer in charge of elections) has a duty to establish a reasonable and adequate number of voting locations for an election. [A.R.S. § 16-411\(B\)\(3\)](#).

Except for the designation of Election Day emergency voting locations, the Board of Supervisors must finalize all voting locations at least 20 days before a statewide primary or general election or ten days before a special election. [A.R.S. § 16-411\(B\)](#). Thereafter, the Board of Supervisors or officer in charge of elections must publicly post the names and/or locations of each voting location on the county's website. [A.R.S. § 16-411\(G\)](#).

1. Assigned Polling Places

If a county decides to conduct elections using precinct-based assigned polling places, the Board of Supervisors must designate at least one polling place in each precinct. [A.R.S. § 16-411\(B\)](#).³⁰

If no suitable polling place is available within a precinct, the Board of Supervisors may designate a polling place in an adjacent precinct. The Board of Supervisors must make a specific finding that there is no suitable polling place within the precinct and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(1\)](#).

Based on projected high voter demand, precincts may be split for administrative purposes to allow a polling place to be established in each precinct split. Arizona statute requires these polling places to “be listed in separate sections of the [Board’s] order or resolution” designating polling places for the election. [A.R.S. § 16-411\(B\)\(2\)](#).

Based on projected low voter demand (specifically, a high number of PEVL voters), adjacent precincts may be combined for administrative purposes to allow multiple precincts to be serviced by the same polling place and same election board. The Board of Supervisors must make a specific finding that a high number PEVL voters is likely to substantially reduce the number of voters appearing at one or more specific polling places on Election Day and include that finding in a separate section of the order or resolution designating polling places for the election. [A.R.S. § 16-411\(B\)\(3\)](#).

2. Vote Centers

The Board of Supervisors may establish vote centers in lieu of precinct-based polling places. A vote center allows voters from any precinct within the county to cast a ballot with the correct ballot style on Election Day. Vote centers must be established by a vote of the Board of Supervisors and in consultation with the County Recorder and officer in charge of elections. [A.R.S. § 16-411\(B\)\(4\)](#).

Vote centers typically entail ballot tabulation exclusively at the central counting place, without use of precinct voting equipment that will warn voters of an over-vote. In that case, the officer in charge of elections must: (1) establish a voter education program that notifies voters of the effect of casting multiple votes for an office; and (2) provides the voter with instructions on how to correct the ballot before it is cast (including instructions how to spoil the ballot and correct the error through issuance of a replacement ballot). [52 U.S.C. § 21081\(a\)\(1\)\(B\)](#).

³⁰ The Board of Supervisors is not required to designate a polling place for special district or all-ballot-by-mail elections, but may designate one or more sites in each district for voters to deposit voted ballots through 7:00 p.m. on Election Day. [A.R.S. § 16-411\(D\)](#). *See also* Chapter 3, Section IV.

C. Failure to Timely Establish Polling Places

In counties that utilize assigned polling places, if a Board of Supervisors fails to designate a polling place in a particular precinct before a primary or general election (or if the election cannot be held at the polling place originally designated by the Board of Supervisors and the County Recorder or other officer in charge of elections has not designated an emergency polling place for that precinct for Election Day), the Justice of the Peace of the precinct may designate the polling place and post public notice two days before the election in at least three locations in the precinct. [A.R.S. § 16-411\(C\)](#).

If the Justice of the Peace fails to do so (or there is no Justice of the Peace for the precinct), the appropriate election board must designate and give notice of the place for holding the election. [A.R.S. § 16-411\(C\)](#).

D. Consolidation of Polling Places Based on Lack of Candidates

In counties that conduct assigned polling place elections, if there are no candidates for elected office appearing on the ballot in a particular precinct, the Board of Supervisors may consolidate polling places (and consolidate the tabulation of results in combined precincts) if the following conditions apply:

- All affected voters are notified by mail of the change at least 33 days before the election;
- Notice of the change in polling place includes notice of the new polling place, notice of the hours polls are open on Election Day, and notice of the telephone number to call for voter assistance; and
- All affected voters receive information on early voting, which includes information on how to make a one-time early ballot request.

[A.R.S. § 16-411\(C\)\(1\)-\(3\)](#).

E. Factors to Consider When Selecting Voting Locations

The following factors should be considered when selecting voting locations:

1. The location should be capable of being used in both the primary and general election;
2. Buildings must be appropriately-sized based on projected voter turnout, among other predictive factors (*see* Chapter 8, Section IX(A));
3. Property owners must be willing to grant permission to use the building for voting purposes on Election Day, including making the building available the day before Election Day, early morning on Election Day, and until after the polls close on Election Day;
 - Insurance considerations and payment of fees (if any) should be discussed with the property owner;

4. Buildings should have easy ingress and egress to the parking lot, including a parking lot in close proximity to the building;
5. Buildings must meet accessibility requirements or be adapted to meet accessibility requirements for Election Day (*see* Chapter 5, Section III);
6. Buildings must have a room or hallway of sufficient size to meet the needs for setting up equipment and voter check-in stations, including adequate space for voters to wait in line;
7. Buildings should have an adequate power source;
8. The property should be located near major traffic arteries, including within walking distance of public transit where possible;
9. The decision of where to locate a polling place or vote center should have public support, especially through outreach to rural and underserved communities;
10. In counties that conduct assigned polling place elections, the polling place must be located within the applicable precinct, unless applicable exceptions apply (*see* Chapter 8, Section (I)(B)(1));
11. Voters should not have to travel unreasonable distances to vote;
12. The property must have sufficient parking for voters' use on Election Day; and
13. If re-used, the voting location must have been successfully used in the past.

The elections staff should conduct a site visit to confirm the location's suitability for voting. The officer in charge of elections should also solicit community feedback on all proposed voting locations if practicable.

F. Use of School Facilities for Voting Locations

Upon request of the officer in charge of elections, a public school must provide sufficient space for use as a voting location in any statewide, county, city or town election. [A.R.S. § 16-411\(E\)](#).

The principal of a public school may deny the request to host a voting location if, within two weeks of receiving the request, the principal provides a written statement confirming: (1) the school lacks sufficient space to host a voting location; or (2) the safety or welfare of students would be jeopardized by hosting a voting location. [A.R.S. § 16-411\(F\)](#).

G. Designation of Emergency Voting Locations for Election Day

A County Recorder or other officer in charge of elections may establish an emergency voting location for Election Day without the Board of Supervisors' approval if either of the following occurs:

- An act of God renders a previously-established voting location unusable; or
- The County Recorder or other officer in charge of elections has exhausted all options and there are no suitable facilities that are willing to host a voting location unless the facility receives an emergency designation.

[A.R.S. § 16-411\(I\).](#)

At least two weeks before Election Day, the County Recorder or other officer in charge of elections must post on its website a list of emergency voting locations for Election Day and must specify:

- The reason the emergency designation was granted; and
- The number of attempts made to find another voting location before granting an emergency designation.

[A.R.S. § 16-411\(H\).](#)

Electioneering and other political activity is not permitted at an emergency voting location on Election Day, even outside the 75-foot limit. [A.R.S. § 16-411\(I\).](#) However, if the voting location is not listed on the jurisdiction's elections website as an emergency location, electioneering and other political activity must be permitted outside the 75-foot limit. [A.R.S. § 16-411\(H\).](#)

If an emergency arises after the initial website posting, the County Recorder or other officer in charge of elections must:

- Update the website as soon as is practicable to include any new Election Day emergency voting locations;
- Highlight the new Election Day emergency voting location on the website; and
- Like other Election Day emergency locations, specify the reason the emergency designation was necessary and the number of attempts that were made to find a standard voting location before granting an emergency designation. [A.R.S. § 16-411\(H\).](#)

H. Requirement to Allow Electioneering Outside 75-Foot Limit

Except in cases of an emergency designation (*see* Section I(G) above), any voting location or ballot replacement site used on Election Day or during on-site early voting must permit persons to engage in electioneering and other political activity in public areas and parking lots used by voters outside the 75-foot limit. [A.R.S. § 16-411\(H\).](#)

Electioneering or political activity may not result in voter intimidation. Further, no temporary or permanent structure may be erected and access to parking spaces may not be blocked or impaired. [A.R.S. § 16-411\(H\).](#)

I. Ensuring Accessibility at the Voting Location

Voting locations must comply with the current ADA the ADA Checklist for Polling Places and any additional state accessibility requirements. *See* Chapter 5, Section III for more details.

II. APPOINTMENT AND TRAINING OF POLL WORKERS

At least 20 days before a primary or general election, the Board of Supervisors must appoint at least the following poll workers for each polling place with more than 300 qualified electors and each vote center:

- One inspector;
- Two judges;
- One marshal; and
- As many clerks as deemed necessary.

[A.R.S. § 16-531\(A\)](#). For polling places with less than 300 qualified electors, the Board of Supervisors must appoint at least an inspector and two judges. [A.R.S. § 16-531\(B\)](#).

The inspector, judges, marshal (and clerks, if applicable) are collectively known as the “election board”³¹ for a particular voting location.

The officer in charge of elections must provide a report containing each poll worker’s name, position, precinct, and political party to the Board of Supervisors.

Poll workers must be registered voters, except for student poll workers. In assigned polling place elections, each poll worker must be a registered voter in the precinct of assignment unless there are not enough poll workers that meet this residential requirement. [A.R.S. § 16-531\(A\)](#).

Other than candidates for precinct committeemen, no candidate (nor the spouse, child, or parent of a candidate) for any office on the ballot may serve as a poll worker during that election.

The officer in charge of elections should ensure that the election board is comprised of individuals registered with different political parties. At minimum, for partisan elections, if the inspector is a member of the one of the two largest political parties, the marshal must be a member of the other of the two largest political parties and each of the two judges must be registered with different political parties. An inspector, marshal, or judge may not serve in that position if he or she has changed his or her political party registration since the last general election. [A.R.S. § 16-531\(A\)](#).³²

³¹ Notwithstanding [A.R.S. § 16-531\(A\)](#)’s reference to judges and the inspector, Arizona statutes generally provide that the election board is comprised of all poll workers at a particular voting location. *See, e.g., A.R.S. § 16-531(G)* (allowing students to be appointed to an election board as clerks). This Manual accordingly adopts the interpretation of “election boards” to include inspectors, judges, marshals, and clerks.

³² If it is impossible to sufficiently staff the boards with members of differing political parties, the officer in charge of elections shall, at minimum, exercise best efforts to utilize board members with no party affiliation to ensure that there is a diversity of political party affiliation (including no affiliation) on the election boards and that no election board is comprised of members of only one party.

A. Election Board Duties

The following duties must be performed by the members comprising the election board. The officer in charge of elections may allocate these duties among different board members as deemed appropriate:

1. Prepare and monitor the voting location, including taking appropriate measures to preserve order and manage voter lines, [A.R.S. § 16-562](#), [A.R.S. § 16-512](#);
2. Open, exhibit, and lock the ballot box before receiving any ballots, [A.R.S. § 16-564\(A\)](#);
3. Maintain the signature roster or e-pollbook;
4. Check for proper identification;
5. Direct voters in the wrong polling place to the correct polling place, including the specific address (for assigned polling place elections only);
6. Mark spoiled ballots (inspector and only one judge required), [A.R.S. § 16-585](#);
7. Ensure that voted ballots are deposited in the correct ballot box, and deposit ballots in the ballot box at the voter's request, [A.R.S. § 16-580\(C\)](#);
8. Assist voters in using accessible voting equipment and assist voters in marking the ballot (two board members of different political parties required), [A.R.S. § 16-580\(E\)](#);
9. Close the polls (inspector and two judges required); [A.R.S. § 16-565\(C\)](#);
10. Prepare a report of the number of voters who have voted and seal the box containing the voted ballots, [A.R.S. § 16-608\(A\)](#), [A.R.S. § 16-616](#); and
11. Return the signature roster, copies of the precinct registers, and other election supplies to the Board of Supervisors or officer in charge of elections, and [A.R.S. § 16-617](#).

In addition, the inspector, marshal, and judges of the election board are specifically tasked with the responsibilities described below.

1. Inspector

The inspector serves as the chair of the election board and exercises authority over all election-related activities at the voting location (under the direction of the county officer in charge of elections, who maintains overall authority over the voting location). The inspector usually acts as the single point-of-contact with the officer in charge of elections, poll worker hotline, troubleshooters, or other entity designated by the officer in charge of elections to provide assistance on Election Day.

The inspector's specific duties include the following:

1. As chair of the election board, maintain sufficient knowledge about election procedures and voting equipment;

2. Lead and assign duties to other poll workers, including appointing substitute judge, marshal, or clerk if a poll worker fails to show up or fails to perform his or her duty on Election Day and no alternative poll worker is available, [A.R.S. § 16-534\(A\)](#);
3. Ensure the polling place is setup and functions properly, including publicly opening the sealed package of official ballots, certifying the voting roster, posting appropriate lists and notices, arranging the voting booths, and assisting electors; and [A.R.S. § 16-563](#), [A.R.S. § 16-312\(E\)](#), [A.R.S. § 16-343\(F\)-\(G\)](#), [A.R.S. § 16-169\(B\)](#), [A.R.S. § 16-579\(D\)-\(E\)](#), [A.R.S. § 16-572\(A\)](#); and
4. Implement measures to reduce voter wait time, including the authority to request or appoint additional poll workers upon approval of the officer in charge of elections (*see* Chapter 8, Section X(C) below), [A.R.S. § 16-535\(B\)](#).

2. Marshal

The marshal is responsible for preserving order at the voting location, which includes:

1. Announcing the opening and closing of the polls, [A.R.S. § 16-565\(C\)](#);
2. Preventing any violation of election law, including voter intimidation or electioneering within the 75-foot limit, [A.R.S. § 16-535\(B\)](#); and
3. Periodically measuring the length of wait times and notifying the inspector if wait times have the potential to equal or exceed the 30-minute maximum, [A.R.S. § 16-535\(B\)](#).

3. Judges

Judges oversee the voting process itself, which may generally include:

1. Issuing ballots to qualified voters, [A.R.S. § 16-579\(C\)](#), [A.R.S. § 16-467\(B\)](#), [A.R.S. § 16-572\(B\)](#);
2. Signing the roster for an elector who is unable to sign because of physical disability, [A.R.S. § 16-579\(D\)-\(E\)](#); and
3. Examining electronic voting equipment and compare number of votes cast as indicated on the machine with the number indicated on the poll list (or e-pollbook) and the number of provisional ballots cast, [A.R.S. § 16-602\(A\)](#).

B. Bilingual Poll Workers

To the extent practicable, jurisdictions covered under the language minority provisions under Section 203 of the Voting Rights Act should appoint bilingual poll workers and/or ensure access to on-site or remote interpretation services in the covered language(s) to provide language assistance to voters who need it. Additionally, an Election Terminology Glossary in the covered languages should be provided in the polling place supplies.

C. Student Poll Workers

The Board of Supervisors may appoint a student to serve as a clerk on the election board if the student:

- Will be at least 16 years old at the time of the election;
- Will be a United States citizen at the time of the election; and
- Provides written permission from a parent or guardian.

A student poll worker must receive poll worker training and must be supervised by a trained adult poll worker at the voting location. [A.R.S. § 16-531\(F\)](#).

A student's absence from school due to service as a student poll worker does not affect the school's average daily membership or count against any mandatory attendance requirements for the student. [A.R.S. § 15-901\(A\)\(1\)](#); [A.R.S. § 16-531\(G\)](#).

D. Poll Worker Training

Within 45 days before an election, the officer in charge of elections must commence poll worker training for inspectors, judges, and any other election board member deemed necessary by the officer in charge of elections. [A.R.S. § 16-532\(A\)](#). At least one poll worker training session should be conducted in-person during each election cycle, but additional training may be conducted online as deemed necessary. Additionally, the officer in charge of elections should develop a mechanism to assess individual poll workers' performance following the election.

Persons who conduct poll worker training must be qualified in election law and have practical experience in the election process. [A.R.S. § 16-532\(A\)-\(B\)](#). Persons who conduct poll worker training must also be certified by the Secretary of State as an election officer in accordance with [A.R.S. § 16-407](#) or under the direction of a certified election officer.

Poll worker training must cover the following pre-Election Day topics, as applicable:

1. Delivery of ballots and supplies to the voting location;
2. Duties of each election board member;
3. Ensuring proper political party representation among election board members;
4. Conducting a pre-election meeting;
5. Gaining building access;
6. Inventorying supplies;
7. Equipment setup and furniture arrangement;
8. Voting equipment checks, including ensuring that equipment seals have not been tampered with and match the seal log;
9. Conducting an official ballot count;

10. Customer service responsibilities, including voter assistance, assistance to voters with a disability, and ensuring language accessibility; and
11. Compensation of election board members.

Poll worker training must also cover the following Election Day topics, as applicable:

1. Opening the voting location;
2. Hours the voting location will be open;
3. Poll workers' hours;
4. Establishing the 75-foot limit and enforcing non-electioneering and non-intimidation;
5. Sharing voting locations with tribal elections;
6. Procedures for checking identification;
7. Provisional ballot processing;
8. Operation of voting equipment;
9. Operation of accessible voting equipment;
10. Operation of e-pollbooks (if applicable) or procedures for managing the signature rosters and poll lists;
11. Troubleshooting, including when and how to implement wait-time reduction and other contingency plans;
12. Any voter registration information deemed necessary;
13. Who may vote in the election;
14. Use of precinct registers and/or the issuance of ballot styles (political party, FED only, ballot splits, etc.);
15. Standard voting procedures;
16. Recorder's Certificates;
17. Spoiled ballot procedures;
18. Procedure for early ballot drop-off;
19. Political party observers;
20. Procedures for challenges;
21. Kids Voting (when applicable);
22. Closing the polls;
23. Transmitting results and/or delivery of voted ballots;
24. Completing a Certificate of Performance, verifying that various election duties were properly performed; and
25. Preparing the official and unofficial envelope contents (*see* Chapter 9, Section VIII).

The officer in charge of elections may require additional training for poll workers at any time. Regardless of whether additional training is provided, however, poll workers must be notified in writing prior to Election Day of any changes in election law or procedure that became effective since the last poll worker training. [A.R.S. § 16-532\(E\)](#).

1. Premium Training

The officer in charge of elections may institute an advanced method of instruction and testing for certain election board members known as premium training. The premium training course of instruction must include at least eight hours of training and a written examination on election law and procedures. [A.R.S. § 16-532\(D\)](#).

Those who complete this training and pass the test are certified as a “premium board worker.” Premium board workers are certified for a period of 30 months and, if approved by the Board of Supervisors, are entitled to additional compensation. [A.R.S. § 16-532\(D\)](#).

The officer in charge of elections may require additional training for poll workers at any time. Regardless of whether additional training is provided, however, poll workers must be notified in writing prior to Election Day of any changes in election law or procedure that became effective since the last poll worker training. [A.R.S. § 16-532\(E\)](#).

2. Certificate of Qualification

Upon successful completion of poll worker training, each election board member will receive a certificate of qualification from the Board of Supervisors or officer in charge of elections stating the worker’s name and the course of instruction completed. No inspector or judge (except those appointed to fill a vacancy and as provided in [A.R.S. § 16-533](#) and [A.R.S. § 16-534](#)) may serve on Election Day unless he or she has been issued a certificate of qualification. [A.R.S. § 16-532\(A\)](#).

E. Poll Worker Compensation

The Board of Supervisors must fix the compensation of poll workers, which constitutes a county charge. [A.R.S. § 16-536](#). The Board of Supervisors may approve poll worker pay by virtue of approving the election director’s budget for the forthcoming election.

Poll workers must be paid at least \$30 per day. [A.R.S. § 16-536](#). The Board of Supervisors may approve additional compensation for premium board workers. [A.R.S. § 16-532\(D\)](#).

III. DESIGNATION OF POLITICAL PARTY OBSERVERS

Political party representatives are permitted to observe at voting locations and central counting places for partisan elections. The proceedings at the counting center may also be observed by up to three additional people representing a candidate for nonpartisan office, or representing a

political committee in support of or in opposition to a ballot measure, proposition or question. Such observation (and observation at early voting locations and emergency vote centers, where permitted by the County Recorder or other officer in charge of elections) are subject to the procedures described below. Observation at non-partisan elections may be permitted at the discretion of the officer in charge of elections. [A.R.S. § 16-590\(A\)-\(B\)](#); [A.R.S. § 16-621\(A\)](#).

The County Recorder or other officer in charge of elections may develop additional local procedures governing political party observation. Additional procedures shall allow political party observers to effectively observe the election process, and no changes to the procedures shall be made after the Tuesday prior to the election in order to facilitate compliance by the county political party and designees.

A. Appointment Process

The county chairperson (or other county political party officer designated by the chairperson) of each party that has a candidate on the ballot must appoint specific political party observers in writing on political party letterhead with the signature of the appointing authority, and provide the appointment to the County Recorder or officer in charge of elections in hard copy or electronically in advance of observation. The County Recorder or officer in charge of elections may require compliance with reasonable deadlines for advance notice of appointments. Where there is no county political party officer to make the appointment, the state political party chairperson may appoint political party observers for that county.

Political party observers may be appointed to specific voting locations (for Election Day observation), to a central counting place, or to multiple voting locations as authorized by the political party chairperson and the officer in charge of elections. Observers appointed to observe in multiple locations need only one appointment in writing designating the various locations where the observer is appointed. An appointment is not transferable to another individual.

Unless agreed upon by the political parties, not more than one party representative for each party represented on the ballot shall be at a voting location at one time.

Appointed political party observers need not be qualified electors in the precinct or county of observation. Except for precinct committeemen candidates, candidates appearing on the ballot or official write-in candidates shall not serve as political party observers.

B. Observer Credentials

The political party letter of appointment serves as the written credential necessary to conduct observation at a voting location or central counting place. Credentials must be issued by the recognized political party chairman or designee; this authority may not be delegated to a candidate or candidate's agent. The political party observer must present the political party appointment letter (or copy thereof) to the appropriate election official upon entering the voting location, County Recorder's office, or central counting place, and be prepared to show identification if requested.

C. Observation at Voting Locations

Political party observers may observe the following activities at a voting location:

- Opening the voting location;
- Voting at the voting location (but may not observe in the voting booth or otherwise impede voters' ability to maintain a secret ballot);
- Closing the voting location;
- Transport of ballots from the voting location to a receiving site (using a separate vehicle); and/or
- Any other significant voting or processing activities at the voting location provided that it does not interfere with or impede the election procedures or staff.

Each recognized political party is presumptively entitled to have no more than one political party observer at a time at each voting location. [A.R.S. § 16-590\(C\)](#).

All political party observers are subject to removal by the County Recorder or other officer in charge of elections for failure to adhere to federal or state law, observer guidelines, or other rules established by the County Recorder or other officer in charge of elections.

D. Observation at Central Counting Places

Political party representatives may observe at a central counting place and at each point where ballots are handled or transferred from one election official to another, including areas where the following activities take place:

- Receiving the ballots at the County Recorder's office or central counting place;
- Inspecting the ballots;
- Reviewing ballots by the write-in board;
- Duplicating ballots by the duplication board;
- Adjudicating ballots by the electronic adjudication board;
- Receiving electronic media or processing voting results by the data processing board;

- Tabulation of ballots; and/or
- Any other significant tabulation or processing activities at a central counting place provided that it does not interfere with or impede the election procedures or staff.

E. Observer Guidelines

The following observation guidelines govern all political party observers:

1. At all times at a central counting place, and unless a voter specifically requests assistance from the observer at a voting location, a political party observer may not mark any ballot, place any type of material on a ballot, or otherwise touch a voted ballot during observation.
2. Political party observers shall not touch or handle election materials, rosters, early ballot envelopes, provisional ballot envelopes, ballot transfer containers, voting machines, or voting machine components except as expressly permitted by the officer in charge of elections during demonstrations.
3. Political party observers may not interfere with or impede the election procedures or staff.
 - If a political party observer has a question about the proceedings or seeks to raise an objection, the observer should speak solely to the designated point of contact (*e.g.*, inspector, County Recorder, or other officer in charge of elections) and not to other poll workers or staff.
 - The officer in charge of elections or inspector may prohibit political party observers from using electronic devices in the voting location if doing so would interfere with or impede the election procedures or staff;
 - Political party observers may not wear, carry, or display any materials that identify or express support or opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot. [A.R.S. § 16-515\(F\)](#).
 - In cases where multiple ballots are dropped off at a voting location, a political party observer may not, within the 75-foot limit: (1) inspect, copy, or photograph the early ballot envelopes in an effort to discern voters' identities; or (2) confront, question, or photograph the individual who dropped off the early ballots.
 - Political party observers can enter and leave a voting location or central counting place so long as their entering and leaving does not interfere with or impede the election procedures or staff.
4. Political party observers may take handwritten notes during observation, but must use a writing instrument of a color designated by the officer in charge of the election or procedure.
5. If a political party observer is asked by the inspector or other officer in charge to cease an activity that interferes with the election process, the political party observer must comply or face possible ejection.

6. Political party observers must be prepared to show their appointment credential immediately upon entering any voting location or central counting place or upon request by any election official.
7. At a central counting place, all political party observers must check in with the County Recorder or other officer in charge of elections prior to being admitted and may be required to log in and out of the facility each time they enter or leave.
8. At a central counting place, the County Recorder or other officer in charge of elections may ensure that political party observers are given identifying badges to ensure that observers are clearly identifiable.

IV. ISSUING PRE-ELECTION NOTICES

A. Secretary of State: 120-Day Notice of Offices to be Elected

At least 120 days before a primary election, the Secretary of State must notify in writing each Board of Supervisors and officer in charge of elections of the federal, statewide, and legislative offices for which candidates will be nominated at the primary election. [A.R.S. § 16-202](#).

B. County: 180-Day Notice of Election to Local Jurisdictions

At least 180 days before each consolidated election date, the Board of Supervisors or officer in charge of elections must give written notice to each school district, community college district, city and town within the county's geographical boundaries. The Board of Supervisors or officer in charge of elections also must give written notice to all special taxing districts within the county. [A.R.S. § 16-205\(A\)](#).

The notice must include:

- The specific election date;
- The deadline by which the local jurisdiction must inform the Board of Supervisors or officer in charge of elections whether an election will be held; and
 - The deadline to inform the Board of Supervisors or officer in charge of elections should be set at or just after special taxing districts' 150-day deadline to call an election pursuant to [A.R.S. § 16-226\(A\)](#).
- Any additional information deemed necessary by the Board of Supervisors or officer in charge of elections.

The notice may be mailed, emailed, or otherwise electronically transmitted.

C. Special Taxing District/Nonpartisan Election Notices

The governing body of a special taxing district must provide various public notifications before conducting an election that is not held concurrently with a general election. [A.R.S. § 16-226\(B\)](#); [A.R.S. § 16-227\(A\)](#).³³

- A special taxing district must call an election at least 150 days in advance of an election, except for elections called pursuant to [A.R.S. § 16-209](#). [A.R.S. § 16-226\(A\)](#). “Calling” an election means the governing board of the special taxing district must officially inform the applicable Board of Supervisors or officer in charge of elections that the district intends to conduct an election.
- In addition, the special taxing district must also issue a “call of election” to the public by publishing the “call of election”, at least two times and at least one week apart, in a newspaper of general circulation covering the jurisdiction between 90 and 132 days before the election. [A.R.S. § 16-227\(A\)](#). Alternatively, the special taxing district may mail the “call of election” to each household containing a qualified elector at least 90 days before the election. [A.R.S. § 16-227\(B\)](#).
- Finally, a special taxing district must issue a “notice of election,” which is like the call of election but intended as the final public notice in advance of a special taxing district election. [A.R.S. § 16-228\(A\)-\(B\)](#). A special taxing district that conducts a ballot by mail election need only issue the notice specified in [A.R.S. § 16-228\(C\)-\(D\)](#). Notice requirements specific to fire district or irrigation and water conservation district bond elections can be found at [A.R.S. § 48-806\(A\)](#) and [A.R.S. § 48-3190\(A\)](#), respectively.

A special taxing district must file an affidavit certifying compliance with federal and state law with the applicable Board of Supervisors at least five days before holding a nonpartisan election. [A.R.S. § 16-229](#).

V. PREPARATION OF BALLOTS

The County Board of Supervisors is responsible for preparing the official ballot to be used in federal, statewide, legislative, and countywide elections. [A.R.S. § 16-405](#); [A.R.S. § 16-503\(A\)](#). The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

³³ A.R.S. §§ 16-225 to 16-229 outline various requirements for holding “nonpartisan” elections. [A.R.S. § 16-226\(B\)](#) defines nonpartisan elections (for purposes of those statutes) as elections of special taxing districts not held concurrent with the general election.

A. Official Ballot Format

1. Form and Content of the Ballot

a. Requirements for All Ballots

i. Paper Type

All official ballots must be printed with black ink on white paper of sufficient thickness to prevent the printing from being discernible on the reverse side the ballot. [A.R.S. § 16-468\(2\)](#); [A.R.S. § 16-502\(A\)](#).

ii. Font

The ballot must use the same font and color template throughout the ballot. [A.R.S. § 16-502\(A\), \(C\)](#). The only color exception is for a political party indicator or stripe to be printed on official ballots used for a partisan primary election or PPE. *See* Chapter 7, Section III(A).

The ballot must use the same font size within each category on the ballot (for example, all candidate names for a particular race must be printed in the same font size), which must be printed in no less than 8-point font if practicable. However, ballot measure numbers must be printed in at least 12-point font. The officer in charge of elections may adjust spacing between the letters on a ballot to accommodate space limitations.

iii. Spacing and Heading

The ballot must contain sufficient spacing between races and sections to enable the voter to clearly understand the ballot.

On the front side, the ballot must be headed with the phrase “Official Ballot” in bold-faced plain letters, with a heavy rule above and below the heading. The ballot may not contain any other statement or matter printed above the “Official Ballot” header. [A.R.S. § 16-502\(A\)](#).

Immediately below the “Official Ballot” heading, the following components must be printed in the following order:

- A subheading that specifies the type of election (general, primary, or special), the election date, and the name of the county and state holding the election;
- Instructions to the voter how to properly mark the ballot; and
- The various candidate names and/or ballot measures. [A.R.S. § 16-502\(A\), \(C\)](#).

iv. Candidate Races

For candidate races, the official ballot must:

- Arrange the candidate names according to [A.R.S. § 16-502\(C\)](#) in column format, starting with the left-hand column;

- List the name of the office to be filled at the head of each portion of the column;
- List the district number, division number, or other jurisdictional name/number to the right of the office name to be filled, if applicable;
- Include the designation “Vote for not more than _____” below the name of each office to be filled to indicate the appropriate number of candidates to select;
- List candidate names according to last name, followed by first name and any nickname;
 - The officer in charge of elections may: (1) shorten or truncate a candidate’s name (with the candidate’s consent) in order to fit the candidate’s name on the ballot; and/or (2) decline to print the candidate’s requested nickname if it suggests reference to professional, fraternal, religious, or military titles.
- Contain a location for the voter to place a mark to vote for his or her candidate of choice to the right or left (and on the same line) of each candidate’s name;
- Contain the candidate’s political party designation in bold-faced letters next to the candidate’s name (for partisan races only); and
- Contain blank lines that correspond to the number to elect placed below the last candidate name for a particular office, along with a location for the voter to place a mark next to his or her write-in candidate(s) of choice.

[A.R.S. § 16-502\(C\)-\(G\)](#); [A.R.S. § 16-311\(G\)](#); [A.R.S. § 16-341\(C\)](#).

Additionally, the ballot must contain the name or number of the precinct in which the ballot will be utilized, and may include the precinct part or ballot style code. [A.R.S. § 16-502\(A\)](#).

b. Additional Requirements for Primary Election Ballots

In addition to the specifications outlined in Section V(A)(1)(a) above, primary election ballots must comply with the following additional requirements.

Primary election ballots must be printed with a particular color to indicate the political party ballot. [A.R.S. § 16-461\(B\)](#). The ballot may be printed on colored stock or on white stock with a distinctive color indicator such as a stripe. The following colors represent the recognized political parties:

- Blue: Democratic Party
- Green: Green Party
- Yellow: Libertarian Party
- Red or Salmon: Republican Party

The officer in charge of elections may use varying hues of the requisite colors, but may not select entirely different colors as substitutes for the requisite colors. The primary election ballot displayed in accessible voting equipment must also utilize a color designation for each political party. [A.R.S. § 16-446\(B\)\(9\)](#).

If the number of recognized party candidates in a particular race exceeds the number to elect, the officer in charge of elections must rotate candidate names in that particular race by precinct so that each candidate will appear substantially an equal number of times in each possible location for the particular race across all primary election ballots. If the number of candidates in a particular race is less than or equal to the number to elect, the candidates' names must be listed in alphabetical order by last name and no rotation is required. [A.R.S. § 16-464\(A\)](#).

If more persons file nomination petitions for the office of precinct committeeman than the number to elect in a particular precinct, the county officer in charge of elections must prepare a separate ballot style that includes the office of precinct committeeman for the voters registered with that political party in that precinct. [A.R.S. § 16-822\(C\)](#). The position of the precinct committeemen candidate names must be drawn by lot at a public meeting called by the Board of Supervisors for that purpose. [A.R.S. § 16-464\(B\)](#). This ballot style, which includes all the races in the precinct and the precinct committeeman race, must be provided only to voters registered with that political party in the precinct. [A.R.S. § 16-822\(C\)](#).

c. Additional Requirements for General Election Ballots

In addition to the specifications outlined in Section V(A)(1)(a) above, general election ballots must comply with the following additional requirements.

For partisan candidate races, the official ballot must list candidates in a particular race in the following descending order:

- Candidates who are registered with a recognized political party that appeared on the gubernatorial ballot in the most recent general election for the office of governor, listed in the order that corresponds to the number of votes for each party's gubernatorial candidate in that county;
- Candidates who are registered with a recognized political party that did not appear on the gubernatorial ballot in the most recent general election for the office of governor, listed in alphabetical order by last name; and
- Independent candidates who were nominated pursuant to [A.R.S. § 16-341](#) (along with a three-letter designation determined by the filing officer), listed in alphabetical order by last name. [A.R.S. § 16-502\(E\)](#).

If there are two or more candidates of the same political party for the same office, or more than one candidate for a judicial office, the names of all such candidates in the particular race must be rotated so that each candidate will substantially appear an equal number of times in each possible location. However, if the number of candidates in a particular race is less than or equal to the number to elect, the candidates' names must be listed in alphabetical order by last name and no rotation is required. [A.R.S. § 16-502\(E\), \(H\)](#).

In general elections with a presidential candidate on the ballot, presidential electors' first and last names must be listed in alphabetical order (according to last name). The presidential and vice-presidential candidates' last names must be printed in bold and placed adjacent to the elector

names, with the presidential candidate's name printed above the vice-presidential candidate's name. [A.R.S. § 16-502\(C\)\(1\)](#).

For ballot measures, the officer in charge of elections must use one of the following methods to describe the measure:

1. Print the full text of the measure on the ballot;
2. Print a summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure's effect; or
3. Print a summary of the measure that contains an alternative heading and a summary that describes the measure's effect, but omits the official title and descriptive title (see below for specific requirements).

The ballot must contain the words "Yes" and "No" or "For ____" and "Against ____", along with a space for the voter to mark his or her choice, below the description of the ballot measure. [A.R.S. § 19-125\(B\)-\(F\)](#); [A.R.S. § 16-502\(L\)-\(N\)](#).

d. Additional Requirements for PPE Ballots

Similar to a partisan primary election ballot, a presidential preference election ("PPE") ballot must distinguish political party ballots by color and contain candidate names for only that political party. [A.R.S. § 16-245\(A\)](#). Otherwise, PPE ballots must comply with the following specific requirements.

A PPE ballot must contain the following information in descending order:

- The following header at the top of the ballot:
"Official Ballot of the _____ Party,
Presidential Preference Election (date),
County of _____,
State of Arizona"
- The title "_____ Party Candidates for President of the United States;"
- The text "Vote for not more than one;" and
- The political party candidates certified to appear on the ballot. [A.R.S. § 16-245\(A\)-\(B\)](#).

The ballot also may contain printed instructions to voters as prescribed for other elections (see below for specific instructions). [A.R.S. § 16-245\(B\)](#).

Unlike all other ballots, candidate order is determined by lot drawn at a public meeting conducted by the Secretary of State. The officer in charge of elections must print candidate names in the order and format specified by the Secretary of State, without rotation of candidate names. [A.R.S. § 16-245\(B\)](#). Write-in votes are not permitted, and no other elections may be combined with a PPE ballot. [A.R.S. § 16-241\(A\)](#); [A.R.S. § 16-247](#).

A PPE ballot must comply with any other ballot format requirements in Section V(A)(1)(a) that are not inconsistent with this Section.

2. Ballot Marking Instructions

Immediately below the subheading that specifies the type of election, the election date, and the name of the county and state holding the election, an official ballot may contain the following voter instructions:

1. Put a mark according to the instructions next to the name of each candidate for each office for whom you wish to vote.
2. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided on the ballot or write-in envelope and put a mark according to the instructions next to the name so written.

Put a mark according to the instructions next to the word “yes” (or for) for each proposition or question you wish to be adopted. Put a mark according to the instructions next to the word “no” (or against) for each proposition or question you wish not to be adopted.

[A.R.S. § 16-502\(A\)](#). The officer in charge of elections may add additional instructions to the ballot as needed.

3. Order of Candidate Races

a. Partisan Candidate Offices

Partisan candidate races must be listed in the following order in the partisan section of the ballot:

- Presidential electors;
- U.S. Senator;
- U.S. Representative;
- Governor;
- State Senator;
- State Representative;

- [A.R.S. § 16-502\(D\)](#) requires state legislative candidates’ names to appear directly below the gubernatorial candidates’ names. In election years where there are no gubernatorial candidates on the ballot, legislative candidates’ names must still appear before statewide offices.

- Secretary of State;
- Attorney General;
- State Treasurer;
- Superintendent of Public Instruction;

- State Mine Inspector;
- Corporation Commissioner;
- County Offices;
 - The officer in charge of elections may determine the ballot order for County Supervisor, County Assessor, County Attorney, Clerk of the Superior Court, County Recorder, County School Superintendent, County Sheriff, and County Treasurer. [A.R.S. § 16-502\(L\)](#).
- Justice of the Peace; and
- Constable.

[A.R.S. § 16-502\(C\)](#). Candidate races not up for election must be omitted from the ballot. Precinct Committeemen must be included on a separate ballot style only for voters registered with the particular political party. *See* Chapter 8, Section V(A)(1)(b). Presidential preference election ballots are subject to different requirements. *See* Chapter 8, Section V(A)(1)(d).

b. Nonpartisan Candidate Offices

Subject to the exceptions outlined below, the following nonpartisan candidate races must be listed in order in the nonpartisan section of the ballot:

- Justice of the Supreme Court;
- Judge of the Court of Appeals (Division 1);
- Judge of the Court of Appeals (Division 2);
- Judge of the Superior Court (retention in Maricopa, Pima, and Pinal Counties);
- Judge of the Superior Court (election in Apache, Cochise, Coconino, Gila, Graham, Greenlee, La Paz, Mohave, Navajo, Santa Cruz, Yavapai, and Yuma Counties).
- Governing Board Member of a County School District;
- Governing Board Member of a Community College District;
- Governing Board of a Joint Technical Education District;
- Governing Board Member of a Special Taxing District;
- City or Town Mayor;
- City or Town Council Member.

[A.R.S. § 16-502\(J\)](#). The following exceptions apply to candidate order in the nonpartisan candidate section:

- The officer in charge of elections may reasonably adjust the nonpartisan candidate order in order to avoid printing on the reverse side of the ballot, to achieve uniformity with the reverse side of the ballot, or to eliminate blank space;

- A recall election involving a candidate who was originally elected in a partisan race should be listed in the partisan section of the ballot, and (if applicable) in the section of the partisan ballot where candidate's race was originally positioned, [A.R.S. § 19-213](#); and

Candidate races not up for election (or judicial offices not up for retention) should be omitted from the ballot.

i. Determining Judicial Offices Subject to Retention

Following appointment, a justice or judge (including superior court judges in counties with a population that exceeds 250,000) serves an initial 2-year term before seeking retention in office. [Ariz. Const. Art. VI, § 37\(C\)](#). Thereafter, justices and judges serve 6-year terms between retention elections. [Ariz. Const. Art. VI, § 4](#); [Ariz. Const. Art. VI, § 37\(C\)](#); [A.R.S. § 12-101](#); [A.R.S. § 12-120.01\(B\)](#).

Supreme Court justices appear on the ballot for retention in all Arizona counties.

For the 16 judges in Division 1 of the Court of Appeals, which covers Maricopa, Yuma, La Paz, Mohave, Coconino, Yavapai, Navajo, and Apache Counties:

- The ten judges appointed from Maricopa County in Division 1 of the Court of Appeals must appear on the Maricopa County ballot for retention;
- The five judges appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County in Division 1 of the Court of Appeals must appear on these 7 counties' ballots for retention;
- Retention of the 16th judge in Division 1 of the Court of Appeals depends on the county of residence:
 - If the judge was appointed from Maricopa County, that judge must appear on the Maricopa County ballot for retention;
 - If the judge was appointed from Yuma County, La Paz County, Mohave County, Coconino County, Yavapai County, Navajo County or Apache County, that judge must appear on these 7 counties' ballots for retention.

[A.R.S. § 12-120.02\(A\)](#).

For the six judges in Division 2 of the Court of Appeals, which covers Pima, Pinal, Cochise, Santa Cruz, Greenlee, Graham, and Gila Counties:

- The four judges appointed from Pima County in Division 2 of the Court of Appeals must appear on the Pima County ballot for retention; and
- The two judges appointed from Pinal County, Cochise County, Santa Cruz County, Greenlee County, Graham County, or Gila County in Division 2 of the Court of Appeals must appear on these six counties' ballots for retention.

[A.R.S. § 12-120.02\(A\)-\(B\)](#).

Superior court judges appear on the ballot for retention in the county in which he or she was elected or appointed. [Ariz. Const. Art. 6, § 37\(B\)](#).

The Arizona Commission on Judicial Performance must notify the Secretary of State which justices and judges are up for retention in a particular general election. [A.R.S. § 19-123\(A\)\(5\)](#); [A.R.S. § 19-124.01](#).

4. Political Party Designations

In a partisan race where a candidate sought a political party nomination by primary, the officer in charge of elections must place a three-letter designation to the right of the candidate's name that corresponds to the party designated in the candidate's nomination paper. [A.R.S. § 16-502\(E\)](#).

The following three-letter designations correspond to the current or recently recognized political parties:

- DEM: Democratic Party
- GRN: Green Party
- LBT: Libertarian Party
- REP: Republican Party

In a partisan race where an independent candidate sought a nomination other than by primary, the officer in charge of elections must determine a three-letter designation based on the three-word designation in the candidate's nomination paper. [A.R.S. § 16-341\(D\)](#); [A.R.S. § 16-502\(E\)](#).

A political party selection of "independent" must be designated as "IND" on the general election ballot. Otherwise, the officer in charge of elections has sole discretion how to translate other non-recognized political party selections into three-letter designations (except that independent candidates may not be designated as "DEM," "GRN," "LBT," or "REP" on the general election ballot).

5. Special Provisions for Ballot Measures

a. Numbering Ballot Measures

For any measure that has qualified for the ballot, the officer in charge of elections must assign a three-digit proposition or question number based on the ballot measure type:

- Constitutional Initiative: 100 series
 - A "constitutional initiative" is brought about by petition and represents the citizens' effort to amend the Arizona Constitution.
- Constitutional Referral: 100 series

- A “constitutional referral” is a proposed constitutional amendment referred to the general election ballot by the Arizona Legislature.
- Statutory Initiative: 200 series
 - A “statutory initiative” is brought about by petition and represents the citizens’ effort to amend, add, or strike a statute.
- Statutory Referral: 300 series
 - A “statutory referral” is a statutory measure referred to the general election ballot by the Arizona Legislature.
- Citizen Referendum: 300 series
 - A “citizen referendum” is brought about by petition and represents the citizens’ effort to veto a bill recently passed by the Arizona Legislature or other local government body.
- Local charter amendment, initiative, referendum, bond measure, or budget override: 400 series

Propositions or questions within a jurisdiction must be numbered consecutively based on the order filed with the officer in charge of elections. Individual numbers continue from the last number used in the previous election and do not repeat until all 100 numbers in that series have been used. [A.R.S. § 19-125\(B\)](#). For non-statewide ballot measures appearing on the ballot in multiple counties, unless otherwise agreed upon by the applicable counties, the county with the highest population of voters shall assign the number for the ballot measure and, where practicable, other counties shall use that same number for the same ballot measure in order to minimize voter confusion.

The proposition or question number must be printed in reverse type (white type on black background) in at least 12-point font. [A.R.S. § 19-125\(C\)](#). For example, a statutory initiative designated as Proposition 205 must be printed on the ballot as follows:

PROPOSITION 205

PROPOSICIÓN 205

b. Order of Ballot Measures

Ballot measures must appear on the ballot in the following order, below any nonpartisan candidate races in the nonpartisan section of the ballot:

- State constitutional amendments;
- Statewide statutory initiatives;
- Statewide referenda;
- County ballot measures, including school district, joint technical education district, and community college district ballot measures;

- The officer in charge of elections may determine the ballot order for county initiatives, county referenda, county school district bond measures, county school district budget overrides, community college district bond measures, community college district budget overrides, special taxing district bond measures, and special taxing district budget overrides.
- City or town ballot measures; and
 - The city or town clerk may determine the ballot order for city charter amendments, city or town initiatives, and city or town referenda.
- Special taxing district ballot measures.

[A.R.S. § 16-502\(L\)](#); [A.R.S. § 19-125\(B\)](#). Ballot measures types that will not be voted on in the election should be omitted from the ballot.

c. Printing Initiatives and Referenda on the Ballot

The officer in charge of elections may use one of the three methods to print initiatives and referenda (including legislative referrals) on the official ballot:

1. Print the full text of the measure on the ballot, followed by the words “**yes**” and “**no**” or “**for** _____” and “**against** _____” for the voter to mark his or her choice;
2. Print a standard summary of the measure that contains a statutorily-prescribed heading, an official title, a descriptive title, and a summary that describes the measure’s effect (see below for specific requirements); or
3. Print a condensed summary of the measure that contains an alternative heading and a summary that describes the measure’s effect, but omits the official title and descriptive title (see below for specific requirements).

i. Standard Summary of the Measure

If the officer in charge of elections chooses the standard summary option (printing a statutorily-prescribed heading, an official title, a descriptive title, and an analysis of the measure’s potential effect), the following requirements apply.

Below the proposition number, the officer in charge of elections must print one of the following **headings**, as applicable:

- Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative;”
- Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature;”
- Statutory Initiative: “Proposed by Initiative Petition;”
- Statutory Referral: “Referred to the People by the Legislature;” or
- Citizen Referendum: “Referendum Ordered by Petition of the People.”

An **official title** must be printed below the prescribed heading. The official title comprises a description of the constitutional or statutory provisions being amended, added, or deleted by the measure. This information is drawn from the introductory portion of the initiative or referendum itself.

A **descriptive title** must be printed below the official title. The descriptive title constitutes a summary of the principal provisions of the measure, not to exceed 50 words.

Finally, an **analysis of the potential effect** of a “yes” or “no” vote on the measure must be printed below the descriptive title. Each analysis must begin with following introductory phrases:

A “yes” vote shall have the effect of _____.

A “no” vote shall have the effect of _____.

The “yes” line must be filled with a “brief phrase” that describes the essential change to existing law should an initiative or referral receive a majority of votes cast in the election. The “no” must be filled with a “brief phrase” that describes how the status quo will be maintained should the measure not receive a majority of votes. For a citizen referendum, a “yes” vote has the effect of approving the enactment passed by the Legislature and allowing the bill to go into effect, whereas a “no” vote essentially constitutes a citizens’ veto and prevents the bill from going into effect.

Below the ballot measure analysis, the officer in charge of elections must print the words “yes” and “no” for the voter to mark his or her selection on the ballot.

For statewide ballot measures, the heading, official title, descriptive title, and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot. For local ballot measures, the local jurisdiction is responsible for drafting the heading, official title, descriptive title, and “yes/no” analysis.

[A.R.S. § 19-125\(C\)-\(D\); A.R.S. § 19-141.](#)

ii. Condensed Summary of the Measure

In lieu of printing the full standard summary of a measure that includes the official title and descriptive title, the officer in charge of elections may print an alternative summary on the ballot that contains the following information below the proposition number:

1. One of the following methods of designating the measure in the ballot header:
 - The standard header, as prescribed for the standard summary above:
 - Constitutional Initiative: “Proposed Amendment to the Constitution by the Initiative”
 - Constitutional Referral: “Proposed Amendment to the Constitution by the Legislature”

- Statutory Initiative: “Proposed by Initiative Petition”
 - Statutory Referral: “Referred to the People by the Legislature”
 - Citizen Referendum: “Referendum Ordered by Petition of the People”; or
 - The word “Proposition,” “Question,” or “Charter Amendment” (as applicable), followed by the phrase “relating to _____” and inserting the subject matter of the measure;
2. One of the following methods of explaining the effect of the measure:
 - An analysis of the potential effect of a “yes” or “no” vote on the measure as prescribed for the standard summary above; or
 - The full text of the measure;³⁴
 3. The words “yes” and “no” for the voter to mark his or her selection on the ballot; and
 4. Instructions that direct the voter to the official title, descriptive title, and full text of the measure as printed on the sample ballot and posted in the voting location.

[A.R.S. § 16-502\(M\)](#); [A.R.S. § 19-125\(E\)](#); [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

In other words, this alternative summary allows the officer in charge of elections flexibility to omit the official title, descriptive title, and full text of the measure from the official ballot due to space limitations.

The alternative heading and “yes/no” analysis are drafted by the Secretary of State and approved by the Attorney General before being provided to the officer in charge of elections for printing on the ballot. [A.R.S. § 19-125\(D\)](#).

B. Proofing Ballots

The officer in charge of elections must proof the official ballot (in all languages and in all formats, including ballots displayed and spoken in accessible voting equipment) prior to distributing the ballots for voting purposes.

C. Sending Ballot Proofs to Candidates and Political Parties

At least 60 days before a primary or general election (unless a shorter time is available due to the pendency of a lawsuit), the officer in charge of elections should send a proof of the official ballot to:

- Each candidate (or candidate’s agent) who will appear on the ballot; and
- The county chairperson of each recognized political party that will have at least one candidate on the ballot.³⁵

³⁴ The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. The full text must be made available at each voting location as well. [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

The officer in charge of elections may send the ballot proof by mail, email, or any other method of delivery. The candidate/candidate's agent and/or county chairperson must inform the officer in charge of elections of any errors or omissions in the ballot proof within five calendar days after receipt. [A.R.S. § 16-461\(B\)](#).

D. Financial Responsibility for Printing Ballots

Official ballots used in federal, statewide, legislative, and county elections must be printed at county expense. Expenses for ballots used in city, town, or special taxing district elections must be borne by the applicable city, town, or special taxing district. [A.R.S. § 16-503\(B\)-\(C\)](#).

For ballots that contain races from multiple jurisdictions, the officer in charge of elections may contract with a city, town, or special taxing district to reimburse the county for the proportional amount of printing expenses.

E. Storage and Security of Ballots

The officer in charge of elections must implement security procedures to ensure that official ballots are properly secured prior to distribution to voting locations.

For security reasons, official ballots:

1. Must be inventoried upon receipt and prior to distribution to voting locations;
2. May be accessed by elections staff only to the extent necessary to perform their authorized task;
3. Must be stored in a locked, secured location that prevents unauthorized access;
 - Access to ballots must be authorized by the officer in charge of elections. Access to the ballot storage location (the outer access area, not each individual cage or storage unit) must be documented with a written log or with electronic keycard access that indicates the date, time, and identity of the person accessing the ballots. The electronic log for key card access must be accessible but need not be printed out.
4. Must be witnessed by two or more election staff members of different political parties when being moved or transferred, which includes an inventory of the ballots before and after the move or transfer.

³⁵ By statute, the officer in charge of elections must send a proof of the official ballot at least 45 days before a primary or general election. [A.R.S. § 16-461\(A\)\(2\)-\(3\)](#); [A.R.S. § 16-510\(A\)](#). See also [A.R.S. § 16-503\(A\)](#) (requiring the officer in charge of elections to make the official ballot available for inspection by candidates or the agents ten days before the election); [A.R.S. § 16-503\(A\), \(C\)](#) (requiring the governing body of a city, town, or special taxing district to make the ballot available five days before the election). The 60-day period has been selected to allow sufficient time to make changes to the ballot before the UOCAVA mailing deadline. See Chapter 2, Section I(D).

The officer in charge of elections should also implement reasonable security procedures for auditing and accountability of blank ballot stock for use with on-demand printers.

F. Sample Ballots

The officer in charge of elections must prepare sample ballots for each primary and general election. [A.R.S. § 16-461\(A\)](#); [A.R.S. § 16-510](#). A sample ballot provides voters who intend to vote in-person on Election Day advanced notice of the candidates and issues that will appear on their ballot.

1. Preparing Sample Ballots

Sample ballots:

- May be printed on a single page or multiple pages;
- May not indicate the name or identity of any public official who prepared the sample ballot or to whom the sample ballot must be returned; [A.R.S. § 16-461\(F\)](#);³⁶
- Must be imprinted with the Great Seal of the State of Arizona for elections involving a federal, statewide, or legislative candidate or statewide ballot measure; alternatively, the seal of the appropriate county, city or town (whichever corresponds to the highest-level jurisdiction with a candidate or measure on the ballot) may be imprinted in lieu of the state seal; [A.R.S. § 16-461\(G\)](#); and
- Must include the following warning in a conspicuous location on the ballot: “This is a sample ballot and cannot be used as an official ballot under any circumstances.” [A.R.S. § 16-461\(D\)](#).

Primary election sample ballots are subject to additional requirements, as they must be printed with a different color (or contain a distinctive color indicator) that corresponds to the recognized political party appearing on that ballot. [A.R.S. § 16-468\(2\)](#). Sample ballots to be mailed to voters who are not registered with a recognized political party:

- May contain all political party candidates on the same sample ballot; and
- May be printed in alternative paper formats that do not conform to the same size as an official ballot, including a reduced size ballot. [A.R.S. § 16-461\(B\)](#).

For a general election involving a ballot measure, the officer in charge of elections must print the official title and descriptive title on the ballot and include the full text of the measure with any mailing. The full text of the measure need not be printed on the ballot itself, but may be printed on a separate insert (a “tablecloth”) that accompanies the sample ballot. [A.R.S. § 16-502\(N\)](#); [A.R.S. § 19-125\(F\)](#).

Ballots should be prepared in sufficient time for proofs to be transmitted to candidates at least 60 days before the election. For primary elections, the officer in charge of elections must transmit

³⁶ The public official’s name may only appear in the candidate section of the ballot, if applicable.

the ballot proofs to political parties as well. [A.R.S. § 16-461\(A\)](#). If a county conducts an election on behalf of a local jurisdiction, the officer in charge of elections may transmit the ballot proofs to the local filing officer, who in turn must forward the proofs to the applicable candidates for approval.

2. Printing and Mailing Official Sample Ballots to Households

At least 11 days before a primary or general election (except for all ballot-by-mail elections), the County Board of Supervisors is responsible for printing and mailing a sample ballot to each household containing at least one active registered voter who is not on PEVL. [A.R.S. § 16-461\(D\)](#); [A.R.S. § 16-510\(C\)](#); *see also* [A.R.S. § 16-193\(2\)](#). The Board of Supervisors may delegate this responsibility to the County Recorder or other officer in charge of elections.

The sample ballot mailing:

- Must contain the appropriate sample ballot or ballots that correspond to the political party preference of the eligible voters in the household (for primary elections only), [A.R.S. § 16-468\(2\)](#);
- Must contain the words “Official Voting Materials” on the outgoing envelope or mailer face mailed to voters, [A.R.S. § 16-461\(G\)](#);
- Must include the list of acceptable forms of identification to vote at a voting location pursuant to [A.R.S. § 16-579\(A\)\(1\)](#); and
- Must contain the statement (for assigned polling place elections only): “Have you moved? You MUST go to the polling place designated for your CURRENT RESIDENCE ADDRESS. If you go to the WRONG polling place, your (provisional) ballot will NOT COUNT.”

3. Sample Ballots at Voting Locations

The Board of Supervisors is responsible for printing and distributing at least two official sample ballots of each ballot style for use at polling places during the primary and general election. [A.R.S. § 16-510\(B\)](#). The sample ballots must correspond to the appropriate official ballots for the polling place and be contained in the precinct supplies for that location. The Board of Supervisors may delegate this responsibility to the officer in charge of elections.

Sample ballots need not be provided to vote centers if the vote center is able to print sample ballots upon request.

The officer in charge of elections must make the sample ballots available in plain view or post a notice at voting locations that sample ballots are available upon request. [A.R.S. § 16-461\(B\)](#).

4. Financial Responsibility for Preparing and Mailing Sample Ballots

The Board of Supervisors shall seek reimbursement from the Secretary of State for each sample ballot mailed to a county household. [A.R.S. § 16-510\(C\)](#). See Chapter 12, Section IV(C).

VI. LANGUAGE MINORITY VOTING MATERIALS

As of December 5, 2016, the State of Arizona is not a covered jurisdiction for Spanish under the federal Voting Rights Act. Nonetheless, counties and other political subdivisions are strongly encouraged to continue to provide voting materials in Spanish and other languages previously required in the county.

The following counties are “covered jurisdictions” under the Federal Voting Rights Act, effective December 5, 2016, and therefore have an obligation to print (in the case of written languages) and/or provide (in the case of oral languages) voting materials in additional languages for the following language minority groups:

- Apache County: Navajo
- Coconino County: Navajo
- Gila County: Apache
- Graham County: Apache
- Maricopa County: Spanish
- Navajo County: Navajo
- Pima County: Spanish
- Pinal County: Apache
- Santa Cruz County: Spanish
- Yuma County: Spanish

Voting Rights Act Amendments of 2006, Determinations Under Section 203, 81 FR 87532-01 (Dec. 5, 2016), available at <https://www.gpo.gov/fdsys/pkg/FR-2016-12-05/pdf/2016-28969.pdf>.

A covered jurisdiction must determine which language, forms of languages, or dialects will be effective in meeting the requirements of the Voting Rights Act. [28 C.F.R. § 55.11](#).

The following sections describe the minority language requirements in greater detail.

A. Voting Materials Required To Be in Minority Language(s)

If a covered jurisdiction is required to provide language assistance, all materials distributed to (or provided for the benefit of) voters must be printed in the additional language, [28 C.F.R. § 55.19\(a\)](#), including:

- Registration and voting notices;

- Forms;
- Instructions;
- In-person assistance;
- Ballots (including accessible ballots and the accompanying audio translation); and
- Any other materials or information relating to the electoral process. [28 C.F.R. § 55.15](#).

A covered jurisdiction may attempt to use cost effective methods of compliance if they are equivalent in their effectiveness to more costly methods. [28 C.F.R. § 55.16](#). This may include implementing a system that provides translated voting materials to fewer than all registered voters, as long as the system is designed and implemented in a way that ensures language minority group members who need translated materials and assistance can receive them. [28 C.F.R. § 55.17](#).

Where the language of the applicable minority group is oral or unwritten, the covered jurisdiction is permitted to orally furnish instructions, assistance, or other information relating to registration and voting. [52 U.S.C. § 10503\(c\)](#).

B. Types of Elections Requiring Minority Language Voting Materials

All elections within a covered jurisdiction must provide voting materials in the required language(s), including the elections of each municipality, school district or special taxing district within the covered jurisdiction. [28 C.F.R. § 55.10\(a\)-\(b\)](#); [28 C.F.R. § 55.9](#).

For offices representing more than one county, language minority voting material requirements are to be applied on a county-by-county basis. Accordingly, if an individual county is not a covered jurisdiction, that county does not need to provide bilingual voting materials. [28 C.F.R. § 55.10\(c\)](#).

VII. PREPARATION OF SIGNATURE ROSTERS AND E-POLLBOOKS

Prior to a statewide primary or general election, the County Recorder must prepare paper signature rosters and precinct registers or e-pollbook data and distribute the rosters/data to the officer in charge of elections for use at each voting location on Election Day. [A.R.S. § 16-168\(A\)-\(B\)](#); [A.R.S. § 16-169\(A\)](#); [A.R.S. § 16-583\(A\)](#). A signature roster or e-pollbook serves as the official list of eligible voters (other than secured voters) for a particular voting location or election.³⁷

If a County Recorder uses paper signature rosters, the rosters must be bound with a suitable cover and bear the title “signature roster _____ precinct, _____ county, Arizona” (if used in

³⁷ For purposes of this Section, an e-pollbook includes a system whereby electronic tablets or computers are uploaded with voter registration data or are connected to a live voter registration database via a secure virtual private network (VPN) connection.

assigned polling place-assigned). The cover must contain the following affidavit for the inspector to sign:

“I, _____, inspector of the board of election of _____ precinct, _____ county, Arizona hereby certify that the foregoing (excepting signatures in red) are true and correct signatures of all electors who voted in precinct on _____.

(date)

(inspector)”

[A.R.S. § 16-169\(B\)](#). An e-pollbook must be accompanied by an affidavit (equivalent to that specified for paper rosters) to be signed by the inspector on Election Day. [A.R.S. § 16-169\(B\)](#).

The County Recorder or other officer in charge of elections must have a back-up solution, such as a printed roster or other contingency plan, in case the e-pollbooks do not properly function on Election Day. [A.R.S. § 16-571\(C\)](#). The County Recorder or other officer in charge of elections must also implement cybersecurity protocols to ensure the integrity of e-pollbook data when e-pollbooks are electronically connected to county systems. *See* Chapter 4, Section III(B).

A County Recorder should ensure the signature roster or e-pollbook contains the most up-to-date information prior to printing or distribution. In particular, a County Recorder should check the Systematic Alien Verification for Entitlements (SAVE) database to confirm eligibility for any registrant who submitted an Alien Registration Number, Naturalization Certificate Number, or Citizenship Certificate Number as proof of citizenship. *See* Chapter 1, Section II(A). If time permits, the County Recorder should be prepared to print a supplement to the signature roster or conduct a last-minute upload to the e-pollbooks. In cases where the roster or e-pollbook cannot be timely updated, the County Recorder may issue a Recorder’s Certificate to any affected registrants. *See* Chapter 1, Section II.

A signature roster or e-pollbook must contain the following information:

1. Name;
2. Residence address;
3. Registration date and status (active/inactive); and
4. Party preference or registered party.

A signature roster or e-pollbook must also contain the following information, if practicable:

1. Roster number, numbered consecutively;
2. Birth year;
3. Mailing address (if different than residence address);
4. Ballot type/style, including political party ballot selected in a partisan primary;

5. Signature block (an early ballot affidavit may serve as the signature block when conducting on-site early voting or a ballot-by-mail election);
6. Voter ID number;
7. “Federal-only” voter status (if applicable);
8. Barcode (paper signature rosters only);
9. Indicator if voter requested, received, or returned an early ballot, as applicable;
10. A standardized oath that poll workers obtained valid proof of identity from every voter, or if identification was not presented, the provisional ballot envelope was marked appropriately.

A signature roster or e-pollbook may not contain secured registrants’ information. If a county uses a tablet or computer terminal that has live access to the voter registration database via a secure virtual private network (VPN) connection, the system must be capable of shielding secured registrants’ information from public view (or providing view access only to the secured registrant). *See* Chapter 4, Section III.

For paper rosters, additional pages for inactive voters and voters who voted a provisional ballot must be included in any signature roster (either attached to the back of the roster, in a separate roster, or identified within the roster). If inactive voters are comingled with active voters on the signature roster, the inactive voters must be clearly identified and the officer in charge of elections must have the ability to identify and/or extract the inactive voter information after the election to update the voter registration record. For provisional ballot voters, the roster must be numbered consecutively starting with “V-1,” “V-2,” etc. [A.R.S. § 16-584\(C\)](#). E-pollbooks must also contain inactive voters and have a means of indicating which voters voted a provisional ballot.

VIII. PREPARATION OF VOTING SUPPLIES

A. Materials to Be Distributed to Voting Locations

The following items should be included among supplies distributed to voting locations, as applicable:

1. Election board worker supplies:
 - Board workers’ checklists;
 - Signature rosters, poll lists, and precinct registers (if paper signature rosters are utilized);
 - Challenge lists or forms;
 - Sample ballots (for assigned polling place elections), *see* Chapter 8, Section V(F);
 - Relevant election laws and training guides;
 - Provisional ballot envelopes or affidavits (see Section VIII(B) below);

- Ballot box keys; and
 - Demonstration ballots (ballots that contain marking instructions)
2. Signs:
 - Arrows;
 - “Vote Here” signs;
 - “Instructions to Voters” notice, *see* Chapter 9, Section I(A);
 - “Right to Vote a Provisional Ballot” notice, *see* Chapter 9, Section I(A);
 - “Handicap Parking” signs (if no permanent signs are available);
 - “Curbside Voting Available” signs (as needed); and
 - Write-in candidate notice, *see* Chapter 9, Section I(A);
 3. Supply Bag:
 - Voting equipment manuals (if applicable);
 - Pens and/or pencils;
 - A method for measuring the 75-foot limit;
 - Masking tape; and
 - “I Voted” stickers (if available);
 4. Official returns envelope;
 - Upon completion of the election, the official returns envelope must contain any spoiled ballots, a copy of the signature roster (paper jurisdictions only), and the challenge list/forms (if applicable). The envelope must be sealed with a pressure-sensitive label, and the inspector and judges are required to sign across the seal and onto the envelope. [A.R.S. § 16-615](#). If the voting location has a tabulation machine, the official returns envelope should also contain a copy of the results tape from the tabulation machine, printed immediately after the close of the polls.
 5. Unofficial returns envelope (if necessary);
 - By statute, upon completion of the election, the unofficial returns envelope must contain completed payroll vouchers and any other items directed by the officer in charge of elections. The unofficial returns must be made available for inspection for six months after the election. [A.R.S. § 16-616](#); [A.R.S. § 16-551\(D\)](#). However, the use of e-pollbooks or other technology may render an unofficial returns envelope unnecessary if the technology electronically captures all the required information.
 6. Payroll supplies:
 - Payroll voucher
 7. Miscellaneous supplies:

- ADA temporary equipment, including ramps, door props, door handles, etc. (as needed);
 - Magnifying sheets that may be used to magnify the text on a ballot;
 - Precinct map (assigned polling place elections only);
 - In assigned polling place elections, a poll worker may use the map to assist the voter in locating the correct polling place, but may also use an e-pollbook to identify the correct precinct or provide contact information (phone number or website) for the voter to contact the elections department or County Recorder's office. Alternatively, the poll worker may offer the option to vote a provisional ballot using the accessible voting equipment if the equipment is capable of displaying all ballot styles.
 - U.S. flag & stand;
 - Badges / name tags;
 - Secrecy sleeves that may be used to protect the secrecy of the voter's choices when carrying the ballot in the voting location;
 - Ballot boxes with seals;
 - Voting equipment, including e-pollbooks with seals, accessible voting equipment with seals, and tabulation equipment with seals (if applicable); and
 - Voting booths, including voting booths that are accessible for voters with a disability;
8. Ballots of each required ballot style or blank ballot stock.

B. Provisional Ballot Envelope and Affidavit

A voted provisional ballot must be placed and sealed in a provisional ballot envelope. A provisional ballot envelope must have affixed to it an affidavit for the voter to complete and provide the following information:

1. First and last name;
2. Current residence address;
3. Current mailing address;
4. Former name, if any;
5. Former residence address, if any;
6. Date of birth;
7. Telephone number;
8. AZ DL/ID # or SSN4;
9. Date (if necessary); and
10. A signature attesting to the following statement:

“I swear or affirm under penalty of perjury that the above information is correct, that I have resided in the precinct and/or district at least 29 days before the election, that I am eligible to vote in this election and that I have not previously voted in this election.

I know that my provisional ballot will only be counted if I have voted in the correct precinct, which is based on where I currently live. **I understand that voting in the wrong precinct or county means that my ballot will not be counted.”**

Counties may exhaust existing provisional ballot envelopes or affidavits before printing envelopes or affidavits with the updated language. Elections conducted through vote centers are exempt from utilizing the statement applicable to out-of-precinct voting. Counties may also capture this information and statements electronically, but the voter must sign the affidavit envelope.

The provisional ballot envelope or affidavit also must contain the following information for the poll worker to complete:

1. The reason why the voter was issued a provisional ballot;
2. An indication of whether the voter presented proper or insufficient identification;
3. Provisional ballot affidavit number;
 - The provisional ballot envelope should contain a tear-off stub for the voter to retain or the voter should be provided a provisional ballot receipt. Both the envelope affidavit and the receipt or tear-off stub should have matching provisional ballot affidavit numbers.
4. Precinct number or voting location;
5. Type of party ballot issued, if applicable;
6. An indication of whether the ballot is a “federal-only” ballot; and
7. The poll worker’s signature.

The provisional ballot envelope may contain an “Official Use Only” section for County Recorder use, which may include (but is not limited to) the following information:

1. Voter ID number;
2. Type of ID provided;
3. Recorder staff member who processed provisional ballot;
4. Whether ballot was counted or not counted; and
5. Reason for rejection, if applicable.

IX. IMPLEMENTING A WAIT TIME REDUCTION PLAN

“Wait time” is defined as the duration of time from when the voter arrives in line to the time the voter is provided access to a voting booth or accessible voting equipment to vote a regular ballot. The officer in charge of elections must establish and approve a specific wait time reduction plan for each election to ensure that voters do not have to wait in lines at the voting location for more than 30 minutes. The factors outlined in the following sections are not exclusive. See [A.R.S. § 16-411\(J\)](#).

A. Projecting Voter Turnout

The officer in charge of elections must project voter turnout at each voting location prior to the election to assure the location is adequately staffed and equipped to meet voter demand.

The officer in charge of elections should take into account the following information to project voter turnout:

1. The percentage of voter turnout from the prior two elections of a similar type;
2. The number of ballots (including regular, early, and provisional) cast in the prior two elections of a similar type, [A.R.S. § 16-411\(J\)\(1\)](#);
3. The number of registered voters, both active and inactive, [A.R.S. § 16-411\(J\)\(3\)](#);
4. The number of registered voters who requested an early ballot or are on the permanent early voting list, [A.R.S. § 16-411\(J\)\(2\)](#); and
5. The potential number of ineligible voters that could attempt to vote, especially during a presidential preference election.

B. Re-Precincting

If excessive wait times are likely to occur at a particular polling place, whether based on population growth or any other reason, the officer in charge of elections must consider redrawing precinct boundaries to reduce the likelihood of this possibility. [A.R.S. § 16-411\(J\)](#). This decision should be made well in advance of the election.

To determine whether recent or projected population growth warrants re-precincting, the officer in charge of elections should consider:

- The year-over-year growth in registered voters in the precinct; and/or
- The potential for future construction or land development in the precinct (based on information obtained the county assessor, city clerk, or town clerk).

If the officer in charge of election concludes that precinct size would have an adverse impact on Election Day wait times, the officer should redraw the precinct in order to better allocate voters. In that case, the County Recorder must also transfer the affected voters into their newly-designated precinct.

The County Recorder must mail a new voter ID card to each affected voter, which satisfies the requirement to mail a notice of the precinct change. [A.R.S. § 16-412](#).³⁸

The Board of Supervisors must approve all precinct lines by October 1 of an odd-numbered year. [A.R.S. § 16-411\(A\)](#). By January 2 of the following year, the officer in charge of elections must ensure all relevant maps and legal descriptions have been updated with the new precinct lines, voter registration records are updated, and new voter ID cards (with updated precincts) are issued to all affected voters. [A.R.S. § 16-412](#).

C. Staffing and Supplying Voting Locations

The officer in charge of elections should deploy additional resources at voting locations where projected turnout (including both eligible and ineligible voters) is expected to exceed normal levels.

The officer in charge of elections should:

1. Determine the optimal number of poll workers, based on:
 - The projected time to check-in a voter and seek proof of identity;
 - The projected time involved in use of accessible voting devices;
 - The number of voters likely to cast provisional ballots;
 - The number of independent voters who may seek to vote (if conducting a presidential preference election); and
 - Any increased or unusual level of interest in the election.
2. Determine the proper number of signature rosters/e-pollbooks and voting equipment in order to keep up with demand;
3. Recruit additional poll workers who will be assigned or remain in reserve on Election Day, including recruitment of students and other county workers;
4. Conduct additional training for poll workers (including premium poll workers) assigned to high volume precincts;
5. Ensure proper signage at all polling locations, including signs that will educate voters in line about how to proceed through the voting process efficiently;
6. Determine the number of bilingual poll workers needed for each voting location;
7. Empower the inspector to request additional poll workers and, in exceptional cases, recruit poll workers from the line with permission of the officer in charge of elections;

³⁸ The statute provides an exception if a sample ballot containing voters' newly-designated precinct name or number is mailed prior to the next primary election. See [A.R.S. § 16-412](#).

8. Ensure the inspector is prepared to shift personnel, redistribute responsibilities, reorganize the voting location, or make any other changes that will facilitate efficiency and reduce wait times;
9. Assign troubleshooters or equivalent staff who are capable of reaching any voting location within 30 minutes of being dispatched (if geographically feasible); and
10. Ensure troubleshooters or equivalent staff have made prior contact with each inspector they oversee on Election Day, including a discussion about voting location layout and contingency plans.

D. Conducting Voter Education

The officer in charge of elections must educate voters by disseminating information that may help reduce wait times on Election Day, including the following:

1. Voters must present a valid identification;
2. Voters' registration must be up-to-date;
3. Voters may only vote at their designated polling place based on their current address (assigned polling place elections only);
4. Peak voting times compared to times when wait times are likely shorter;
5. Information about any websites, phone apps, or other technology that facilitate the voting process or provide voter education;
6. Encourage voters to bring their sample ballots to the polls with selections already marked to help accelerate their voting process; and
7. Early voting options.

Much of this information must be reported in the county's voter education report. *See* Chapter 13, Section II.

E. Developing Contingency Plans

The officer in charge of elections must have a contingency plan ready to implement if wait times consistently or significantly exceed 30 minutes. The contingency plan must include:

1. A transfer plan for poll workers to move from a less busy location or from a reserve staging area;
2. A plan to open alternate voting locations (including a plan to educate voters about the new location);
3. A plan to add additional e-pollbooks;
4. A plan to add voting/secretary booths; and
5. A plan to add accessible voting equipment.

The marshal will monitor the voter wait time at a polling place, and must inform the inspector (who must, in turn, contact the officer in charge of elections) when the wait time reaches 30 minutes or more.

F. Determining Optimal Layout

The officer in charge of elections must determine the optimal layout for each voting location based on voter turnout projections. High volume voting locations should process provisional voters separately from other voters to maintain a continuous flow of voters.

G. Wait-Time Reduction Survey

In order to test the efficacy of wait time reduction efforts over time, the officer in charge of elections should participate in occasional wait time reduction surveys at the request of (and in collaboration with) the Secretary of State.

H. Public Input

The officer in charge of elections is encouraged to solicit public feedback on the wait time reduction plan, including posting the proposed plan on the officer's website, conducting public meetings, and consulting with political parties and interest groups.

X. CANCELING AN ELECTION

Certain candidate elections may be canceled if there are equal to or fewer candidates seeking office, including write-in candidates, than the number to elect for a given race.

The following races are eligible for cancellation:

1. Precinct committeeman, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 16-822\(B\)](#);
2. School district governing board member, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 15-424\(D\)](#);
3. Community college district governing board member, [A.R.S. § 16-410\(A\)](#); and
4. Any special taxing district board member, [A.R.S. § 16-410\(A\)](#); [A.R.S. § 48-5503\(C\)](#).

If a candidate race qualifies for cancellation, the applicable Board of Supervisors may cancel the election no earlier than 75 days before Election Day, appoint to the office those candidates who had timely filed a nomination paper for the office, and issue a certificate of election to the candidate. [A.R.S. § 16-410\(A\)-\(B\)](#).

After approval of the Board of Supervisors to cancel the election, the officer in charge of elections must omit the race in question from the ballot. If the cancellation occurs after the ballots have been printed, the canceled race must not be canvassed. [A.R.S. § 16-410\(D\)](#).

If no candidates filed nomination papers for the office in question, the Board of Supervisors may cancel the election no earlier than 75 days before Election Day, declare the office vacant, and initiate procedures to fill the vacancy. [A.R.S. § 16-410\(C\)](#).

DRAFT FOR PUBLIC COMMENT

CHAPTER 9: CONDUCT OF ELECTIONS/ELECTION DAY OPERATIONS

I. SETTING UP THE VOTING LOCATION

Upon arriving at the voting location (either on Election Day or the day prior to the election), the election board (at the direction of the officer in charge of the election) must:

1. Ensure that any accessible voting device is set up, including any key pad and headset;
2. Post the following documents or notices (1) in plain view in the room where ballots will be cast and (2) in at least one other conspicuous place in and around the polling place:
 - Sample ballots that correspond to the candidates/measures that will appear on the ballot (for precinct-assigned polling places), [A.R.S. § 16-510\(B\)](#); [A.R.S. § 16-563\(1\)](#);
 - “Instructions to Voters and Election Officers” (*see* Chapter 9, Section I(A)(1) below);
 - A notice of voters’ “Right to Vote a Provisional Ballot” (*see* Chapter 9, Section I(A)(2) below);
3. Unless the same information is printed on the sample ballot, place a card or poster in each voting booth that contains a “Notice to Voters” in large plain type (*see* Chapter 9, Section I(A)(3) below);
4. Post a list of official write-in candidates in a conspicuous location within the voting location, if applicable, [A.R.S. § 16-312\(E\)](#);
5. Post a list of candidate withdrawals or vacancies in a conspicuous location within the voting location (if applicable), including a notice stating that any votes cast for the candidate will not be tabulated unless the withdrawal or vacancy was due to death or incapacity, [A.R.S. § 16-343\(F\)-\(G\)](#);³⁹
6. Display the United States flag, [A.R.S. § 16-512](#);
7. Arrange voting booths in view of the election board, [A.R.S. § 16-562\(A\)](#);
8. Arrange the signature roster, e-pollbook(s), or other check-in devices for convenient access;
9. Prepare ballot boxes:
 - Open and examine the ballot boxes to ensure the boxes are empty prior to voting, secure the ballot boxes; and arrange the ballot boxes in view of the election board. [A.R.S. § 16-564\(A\)](#).

³⁹ The notice must also be posted at all on-site early voting locations. *See* Chapter 2, Section II(A).

- Confirm placement of the early ballot drop-off container (if separate boxes/containers are used);

10. Inventory the ballots received from the elections department, including ballot stock;

11. If the officer in charge of elections determines it is not feasible to inventory ballot stock at the voting location, the officer in charge of elections must implement a reasonable alternative method to ensure accountability of ballot stock. Set up tabulation equipment (if applicable) and accessible voting equipment near an electrical outlet in plain view of the election board and the voters.

- Ensure that electrical cords do not present a hazard to the board workers or voters;
- For the tabulation equipment, plug in the voting equipment and obtain a zero count following procedures in Chapter 4, Section II(D)(4); and
- Ensure that all tamper resistant or tamper evident seals are intact, contain the correct assigned number, and have not been tampered with.

12. Establish the 75-foot limit by posting at least three “75-foot limit” signs:

- The signs must have the heading “75-foot limit” printed in letters at least 2 inches high; and
- Have the following statement printed below the heading:

“No person shall be allowed to remain inside these limits while the polls are open, except for the purpose of voting, and except the election officials, one representative at any one time of each political party represented on the ballot who has been appointed by the county chairperson of such political party, and the challengers allowed by law. Voters having cast their ballots shall at once retire without the seventy-five foot limit. A person violating any provision of this notice is guilty of a class 2 misdemeanor.”

[A.R.S. § 16-515\(B\).](#)

All signs and notices required under this Section must be printed in English and any other language required in the county under the Voting Rights Act.

A. Notices to Be Posted at the Voting Location

1. Instructions to Voters and Election Officers

The “Instructions to Voters and Election Officers” notice must be displayed at the voting location, containing substantially the following information:

Instructions to Voters and Election Officers

1. The polls are open from 6:00 a.m. until 7:00 p.m.
2. Please give your full name, place of residence, and identification documents to the election officer. The election officer will determine which type of ballot you will use to cast your vote.
3. Once you have received your ballot, go to the next available voting booth to cast your vote. Mark your ballot in the appropriate place next to the name of each candidate for whom you want to vote.
4. If you want to vote for a person who is an official write-in candidate, write that person's name on the lines provided and mark the ballot in the appropriate place next to the name you have written.
5. Ask for assistance if you need assistance marking your ballot or wish to utilize the accessible voting equipment. If you request assistance marking your paper ballot, two election officers from opposing political parties will accompany you to the voting booth. They will:
 - Read you the names of all candidates for each office on the ballot;
 - Read you the political parties by which the candidates were nominated for each office;
 - Ask the name of the candidates for whom you want to cast your vote; and
 - Mark your ballot correctly.

Neither of the election officers who assist you with your vote is allowed to influence your vote by recommending, explaining, or suggesting any candidate or political party for any office or issue.

6. If you accidentally spoil your ballot, present it to the election judge. Make sure to conceal any votes you have made on the ballot. Either you or the judge will need to mark the ballot as spoiled, and the judge will give you another ballot on which to cast your vote. You are allowed to use no more than three ballots.

If you believe that a violation of the Help America Vote Act of 2002 has occurred, you may contact:

Secretary of State's Division of Election Services
1700 West Washington Street 7th Floor
Phoenix, AZ 85007
1-877-THE VOTE

[A.R.S. § 16-513](#); [A.R.S. § 16-563\(1\)](#).

2. Right to Vote a Provisional Ballot

The “Right to Vote a Provisional Ballot” notice must be displayed at the voting location, containing substantially the following information:

Right to Vote a Provisional Ballot

1. If you did not receive a regular ballot, you have a right to vote a provisional ballot if one of the following situations applies to you:
 - Your name does not appear on the signature roster or e-pollbook, and you are in the correct polling place based on your current residence;
 - You have moved to a new address within the county and have not updated your voter registration (if applicable);
 - You have legally changed your name and have not updated your voter registration (if applicable);
 - You requested an early ballot but did not vote an early ballot (if applicable);
 - You have not produced sufficient identification; or
 - You were challenged as a qualified voter.
2. To vote using a provisional ballot:
 - Present identification to the poll worker and state your first and last name;
 - Provide your complete residence address to the poll worker;
 - Provide your signature next to your name after the election official enters your name on the signature roster; and
 - Sign an affirmation on the provisional ballot envelope stating that the information filled out on the provisional ballot envelope is correct, that you have resided in the precinct at least 29 days before the election, that you are eligible to vote in this election, that you have not previously voted in this election, that your provisional ballot will only be counted if you voted in the correct precinct (which is based on where you currently live), and that you understand that voting in the wrong precinct means that your ballot will not be counted.

Once you have voted using a provisional ballot, your ballot will be placed in a provisional ballot envelope, which you can seal. The poll worker will ensure that the envelope is sealed. You will then be given a provisional ballot receipt with information on how to present sufficient identification to the County Recorder (if necessary) and how to verify the status of your provisional ballot. Your vote will be counted upon verification of your eligibility to vote in the election.

3. Notice to Voters

Unless the same information is printed on the sample ballot, a “Notice to Voters” card or poster must be placed in each voting booth (in large, plain type), containing substantially the following information:

Notice to Voters

Section one of this ballot is comprised of partisan candidates. To vote for the candidates for the partisan offices, mark the ballot next to the name of the candidate for each partisan office for whom you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions.

Section two of this ballot is comprised of nonpartisan candidates, potentially including judicial candidates, school district candidates, and initiative or referendum propositions. To vote for the candidates for the nonpartisan offices, mark the ballot opposite the name of the candidate for each nonpartisan office for which you wish to vote. If you wish to vote for a person whose name is not printed on the ballot, write such name in the blank space provided AND put a mark next to the name according to the instructions. Mark the ballot by the word ‘yes’ (or for) for each proposition or question which you wish to be adopted. Mark the ballot by the word ‘no’ (or against) for each proposition or question which you wish not to be adopted.

When marking a paper ballot the voter shall do so by placing a mark next to the printed name in the designated location or in the square following the name written in.

[A.R.S. § 16-514](#). Minor alterations have been made to the statutory language to account for modern ballot design.

II. OPENING THE VOTING LOCATION

The election board should arrive at the voting location no later than 5:30 a.m. on Election Day in order to promptly open the polls at 6:00 a.m.

Upon arrival at the polling place, members of the election board must take their oath of office, to be administered by a board member or another qualified elector of the precinct. [A.R.S. § 16-534\(C\)](#); [A.R.S. § 38-231\(E\)](#). If the county utilizes vote centers, the individual administering the oath need only be a qualified elector in the county.

If the voting location contains precinct voting equipment or accessible voting equipment that independently tabulates votes, the election board must generate a “zero report” from the voting equipment prior to opening the polls. The zero report is intended to confirm that the equipment contains no votes prior to commencement of voting.

To verify a zero report, the election board must:

- Print a zero report from the equipment (the report must remain attached to the voting equipment and not removed until final results have been printed at the close of the polls);
- Verify the correct precinct number on the report (only in counties that conduct assigned polling place elections);
- Compare the zero report to the ballot and sample ballot to ensure the same names appear (only in counties that conduct assigned polling place elections);
- Confirm that no votes have been cast for any candidates or ballot measures; and
- Have at least two board members of different political parties sign the zero report prior to opening the polls.

The election board may be required to perform other necessary tasks prior to opening the voting location.

At 6:00 a.m., the marshal must announce that the polls are open, and voters will be allowed to enter the voting location. [A.R.S. § 16-565](#).

III. PRESERVING ORDER AND SECURITY AT THE VOTING LOCATION

A. Enforcing Electioneering Ban

No electioneering may take place within the 75-foot limit of a voting location. [A.R.S. § 16-515\(A\)](#). Additionally, no electioneering may take place outside the 75-foot limit if it is audible from a location inside the door to the voting location. The 75-foot limit is measured from the main outside entrance of the voting location.

“Electioneering” occurs when a person knowingly, intentionally, and verbally expresses support for, or opposition to, a candidate or ballot measure on the ballot in that election, or a political party with one or more candidates who appear on the ballot in that election, in order to induce or compel another person to vote in a particular manner or to refrain from voting. [A.R.S. § 16-515\(I\)](#).

The electioneering ban applies to the election board, other election officials, political party observers, and any voter within the 75-foot limit.

Though voters or voters’ assistants are permitted to wear clothing with political messages, election board members, other election officials, or political party observers may not wear, carry, or display any materials that identify or express support or opposition for a political party, political organization, or a candidate or ballot measure appearing on the ballot. [A.R.S. § 16-515\(F\)](#).

The marshal, under the direction of the officer in charge of elections, enforces the electioneering ban on Election Day, while the County Recorder enforces the ban during in-person early voting and at ballot replacement sites. Law enforcement officials may be contacted to help enforce the ban in exceptional circumstances.

A County Recorder or other officer in charge of elections may establish emergency voting locations where electioneering is not permitted even outside the 75-foot limit. [A.R.S. § 16-411\(I\)](#); *see* Chapter 8, Section I(G).

B. Enforcing Photography Ban

No photography or video recording is permitted within the 75-foot limit at a voting location. [A.R.S. § 16-515\(G\)](#). There is no exception for members of the media.

A voter, however, may display an image, that was not taken in a voting location, of his or her own ballot that was received by mail on the internet. [A.R.S. § 16-1018\(4\)](#).

C. Enforcing Access Restrictions

A key component of preserving order at the voting location is ensuring that only authorized persons are present within the 75-foot limit. Only the following persons are authorized to be present within the 75-foot limit:

1. Members of the election board;
2. Election officials;
3. Voters (including minor children accompanying the voter, [A.R.S. § 16-515\(E\)](#));
 - Once in a voting booth, voters must vote promptly and move outside the 75-foot limit after voting. [A.R.S. § 16-515\(A\)](#); [A.R.S. § 16-580\(B\)-\(C\)](#).
4. A person selected by the voter to assist him or her voting (*see* Chapter 9, Section V);
5. Authorized political party observers (*see* Chapter 8, Section III); and
6. U.S. Department of Justice or other federal government observers.

Unauthorized persons may not be present within the 75-foot limit, including but not limited to the following persons:

1. Members of the media;
2. Researchers;
3. Persons who conduct exit polls; or
4. Political party or campaign representatives without authorized political party observer status seeking “tear sheets.”

- Tear sheets are copies of the poll list where voters are entered in the order of voting, which are utilized by political parties to identify which persons have and have not voted at a particular voting location. If a county utilizes tear sheets, only authorized political party observers are authorized to acquire the tear sheets. *See* Chapter 8, Section III.

1. Simultaneous Activities Permitted at Voting Location

Regular business activity that normally occurs at the voting location may continue on Election Day, as long as the activity does not interfere with the voting process or result in electioneering. For example, a city clerk's office used as a voting location may require persons to cross or temporarily remain within the 75-foot limit in order to conduct city business. Additionally, Native American tribal election boards may be co-located with traditional election boards at the same voting location if a tribal election is held on the same day and time. [A.R.S. § 16-515\(D\)](#).

D. Preventing Voter Intimidation

Any activity by a person with the intent or effect of threatening, harassing, intimidating, or coercing voters (or conspiring with others to do so) inside or outside the 75-foot limit at a voting location is prohibited. [A.R.S. § 16-1013](#). The officer in charge of elections has a responsibility to train poll workers and establish policies to prevent and promptly remedy any instances of voter intimidation.

The officer in charge of elections should publicize and/or implement the following guidelines as applicable:

- The inspector must utilize the marshal to preserve order and remove disruptive persons from the voting location. The inspector and/or marshal must use sound judgment to decide whether to contact law enforcement, and any higher-level decisions should be raised through the officer in charge of elections.
- Persons who witness problems at a voting location should not speak to or accost a voter in an attempt to "enforce" the law, but rather inform the inspector or marshal to allow them to resolve the issue.
- Private citizens are prohibited from bringing weapons into a polling place (including the 75-foot limit), even if the voter is properly licensed to carry such weapons. Also, openly carrying firearms even outside the 75-foot limit may potentially intimidate voters depending on the circumstances. (For example, any aggressive or ostentatious display of a weapon is likely intimidation). In order to keep voting locations safe and free of potential intimidation, therefore, observers at voting locations should leave weapons at home or in their vehicles. [A.R.S. § 13-3102\(A\)\(11\)](#) (exceptions apply for military and peace officers in the performance of official duties, *see* A.R.S. § 13-3102(C)).
- While prohibited within the 75-foot limit, [A.R.S. § 16-515\(G\)](#), taking photos and videos of voters outside the 75-foot limit may also constitute intimidation under certain

circumstances, including photographing or filming voters without their consent based on voter race, ethnicity, religion, or known political affiliation.

In addition to the potentially intimidating conduct outlined above, the following may also be considered intimidating conduct inside or outside the polling place:

- Aggressive behavior, such as raising one's voice or taunting a voter or poll worker;
- Using threatening, insulting, or offensive language to a voter or poll worker;
- Blocking the entrance to a voting location;
- Disrupting voting lines;
- Intentionally disseminating false or misleading information at a voting location, such as flyers or communications that misstate the date of the election, hours of operation for voting locations, addresses for voting locations, or similar efforts intended to disenfranchise voters;
- Directly confronting or questioning voters in a harassing or intimidating manner;
- Asking voters for "documentation" or other questions that only poll workers should perform;
- Raising repeated frivolous voter challenges to poll workers without any good faith basis, or raising voter challenges solely based on race, ethnicity, national origin, language, religion or disability; or
- Posting signs or communicating messages about penalties for "voter fraud" in a harassing or intimidating manner.

See [A.R.S. § 16-1013\(A\)](#); [A.R.S. § 16-1017](#).

IV. CHECKING VOTER IDENTIFICATION

Voters are required to prove identity at the voting location before receiving a ballot on Election Day. [A.R.S. § 16-579\(A\)](#). The same requirements for proving identity now apply during in-person early voting, including at an on-site early voting location, emergency vote center, or through personal early ballot delivery by a special election board. See Chapter 2, Sections II(B) and III(C).

Acceptable forms of identification fall into one of three categories:

- A valid form of identification with the voter's name, address, and photograph (List 1);
- Two separate valid forms of identification with the voter's name and address (List 2); or
- One valid form of identification with the voter's name and photograph, and one valid form of non-photo identification with the voter's name and address (List 3).

[A.R.S. § 16-579\(A\)\(1\)\(a\)-\(c\)](#). Each list is described in greater detail in the sections below.

The address on the identification must reasonably match the voter's residence or mailing address in the signature roster or e-pollbook in order to vote a regular ballot. Identification is deemed valid unless it can be determined on its face that it has expired or been canceled. [A.R.S. § 16-579\(A\)\(1\)](#).

If the voter provides identification, but the name or address does not reasonably match the signature roster or e-pollbook, the voter should be issued a provisional ballot, not a conditional provisional ballot. *See* Chapter 9, Section VI(B)(1).

A voter who provides no proof of identity (or invalid proof of identity) must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#). In order for a conditional provisional ballot to count, the voter must present an acceptable form of identification to the County Recorder by 5:00 p.m. on the 5th business day following a primary, general, or special election that includes an election for a federal office, or by 5:00 p.m. on the 3rd business day following any other election. [A.R.S. § 16-579\(A\)\(2\)](#). For the purposes of determining the applicable deadline to provide identification: (i) the PPE is considered a federal election; and (ii) for counties that operate under a four-day workweek, only days on which the applicable county office is open for business are considered "business days."

If the voter identifies himself or herself as a member of a recognized Native American tribe, the voter may present alternative proof of identity as outlined in Chapter 7, Section VI(A)(4) below. [A.R.S. § 16-579\(A\)\(1\)](#).

The officer in charge of elections must post a list of acceptable forms of identification in a conspicuous place (and make it available to voters upon request) at each voting location on Election Day (*see* sample forms in Chapter 17).

A. Acceptable Forms of Identification

1. List 1 – Photo ID with the Voter's Name and Address

Acceptable forms of identification with the voter's photograph, name and address include (only one required):

- A valid Arizona driver license;
- A valid Arizona non-operating identification license;
- A tribal enrollment card or other form of tribal identification; or
- Any other valid United States federal, state, or local government-issued identification.⁴⁰

[A.R.S. § 16-579\(A\)\(1\)\(c\)](#).

⁴⁰ While identification issued by a public college or university or other public educational institution qualifies as a state or local government-issued identification, it is not sufficient for voting purposes unless it includes the voter's photograph, name, and address.

2. List 2 – Non-Photo ID with the Voter’s Name and Address

A voter may present two separate forms of valid identification with the voter’s name and address. Acceptable forms of identification with the voter’s name and address include:

- A utility bill for electric, gas, water, solid waste, sewer, telephone, cell phone, or cable/satellite television service dated within 90 days of the election;
- A bank or credit union statement dated within 90 days of the election;
- A valid Arizona vehicle registration;
- A valid Indian or Native American census card;
- A property tax statement for the voter’s residence;
- A valid tribal enrollment card or other valid form of tribal identification;
- A valid Arizona vehicle insurance card;
- A valid Recorder’s Certificate;
- Any mailing marked “Official Election Material,” including a valid Arizona voter ID card; or
- Any other valid United States federal, state, or local government-issued identification.

[A.R.S. § 16-579\(A\)\(1\)\(b\)](#). Any form of identification from List 2 may be presented to a poll worker in electronic format, including on a smart phone or tablet.

3. List 3 – Acceptable Hybrid Forms of ID

The voter may present a hybrid form of identification that contains elements from both lists. Acceptable combinations of forms of identification include:

- A valid photo identification from List 1 with an address that does not reasonably match the voter’s address in the signature roster or e-pollbook, accompanied by a valid non-photo identification from List 2 with an address that does reasonably match the voter’s address in the signature roster or e-pollbook;
- A valid U.S. Passport, accompanied by a valid form of identification from List 2; or
- A U.S. Military identification, accompanied by a valid form of identification from List 2.

[A.R.S. § 16-579 \(A\)\(1\)\(c\)](#).

4. ID Requirements for Native American Voters

In lieu of being issued a conditional provisional ballot for failing to present acceptable proof of identity in accordance with Chapter 9, Section IV(B)(3) and Section IV(A), a voter who identifies himself or herself as a member of a federally-recognized Native American tribe must be issued a provisional ballot if he or she presents only a valid tribal identification. [A.R.S. § 16-579 \(A\)\(1\)](#). A “tribe” includes a Native American nation, community, band, or tribal subdivision.

Acceptable forms of tribal identification include:

- A tribal identification card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A tribal enrollment card issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A Certificate of Indian Blood issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe;
- A voter identification card issued under the authority of a federally-recognized Native American tribe;
- A home site assignment lease, permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe; or
- A grazing permit or allotment issued under the authority of the Bureau of Indian Affairs or a federally-recognized Native American tribe.

If the voter does not present an acceptable form of tribal identification and otherwise does not satisfy the identification requirements in Chapter 9, Section IV(A) above, the voter must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#).

V. ASSISTING VOTERS ON ELECTION DAY

Voters may be accompanied within the 75-foot limit and assisted by a person of the voter’s choice during any part of the voting process.

A voter may request assistance from a third-party (other than the voter’s employer or union representative or a candidate appearing on the ballot⁴¹) or from members of the election board.

If a voter requests assistance from the election board, two members of the board (of different political parties) should perform the following steps, as applicable:

- Jointly accompany the voter into the voting booth or to the accessible voting equipment;
- Audibly read the candidate’s names for each office, including party designations and the number to elect;

⁴¹ Candidates for precinct committeeman are permitted to provide voter assistance.

- Audibly read the relevant information pertaining to any ballot measures;
- Ask the voter what candidates and issues he or she desires to vote for;
- If requested, instruct the voter how to operate any accessible voting equipment, including what to expect for the recorded instructions and what keys to use to move forward or go back on the screen.

When assisting voters upon their request, members of the election board, may not attempt to influence a voter in the choice of candidates or issues, nor in any manner suggest or recommend a vote for any particular candidate or issue. *See* Chapter 9, Section I(A)(1) above. When assisting voters, poll workers should also remember to speak only as loudly as needed to assist the voter and protect their privacy as much as possible.

Curbside voting may also be provided to senior citizens or voters with disabilities as a reasonable accommodation or when the county officer in charge of elections determines that a voting location is inaccessible, that no accessible sites are available, and that no temporary measures can make it accessible. *See* Chapter 5, Section III.

VI. ISSUING BALLOTS

A. Issuing a Regular Ballot

Upon checking in at a voting location, a voter must announce his/her name and address or provide his or her name and residence or mailing address in writing (by presenting proof of identity). [A.R.S. § 16-579\(A\)](#).

In jurisdictions that conduct assigned polling place elections, the residence address must be within the precinct in which the voter is attempting to vote. By signing the signature roster or the e-pollbook signature pad, the voter is deemed to affirm that he or she is registered in that jurisdiction and is eligible to vote in that jurisdiction. [A.R.S. § 16-584\(C\)](#). If the voter is found in the signature roster or e-pollbook (and had presented acceptable proof of identity), the voter must be issued a regular ballot. *See* [A.R.S. § 16-579\(C\)](#).

Each voter must sign his or her name in the signature roster or e-pollbook signature pad prior to receiving a ballot. Alternatively, an inspector or judge may sign the roster or e-pollbook for a voter who is personally unable to sign due to physical disability. In jurisdictions that use a paper signature roster, the inspector or judge must write the voter's name with red ink. [A.R.S. § 16-579\(D\)](#). In jurisdictions that use an e-pollbook, the inspector or judge must write the voter's name and the inspector's/judge's initials (on the e-pollbook signature pad) as an attestation. [A.R.S. § 16-579\(E\)](#).

A voter at a special district election for which no signature roster has been supplied may vote a regular ballot, but must provide the voter's name and address in an affidavit and affirm therein that he or she:

- Resides within the district boundaries or proposed district boundaries;

- Is a qualified elector for the election; and
- Has not already voted at the election.

[A.R.S. § 16-579\(F\).](#)

B. Issuing a Provisional Ballot

1. Circumstances Requiring Issuance of a Provisional Ballot

a. Voter Received an Early Ballot

A voter must be allowed to vote a provisional ballot if the voter appears on the signature roster or e-pollbook as having received a ballot-by-mail, but either: (1) affirms that he or she has not voted and will not vote the ballot-by-mail; or (2) surrenders the ballot-by-mail to the inspector on Election Day. [A.R.S. § 16-579\(B\).](#)

Alternatively, if the election board has access to real-time or updated information to view the status of the voter's early ballot, the judge may issue a regular ballot to the voter if: (1) a poll worker confirms that the voter's early ballot has not been verified and tallied; and (2) the County Recorder or other officer in charge of elections has a system in place to promptly void the voter's early ballot.

b. Name Does Not Appear on Signature Roster

A voter whose name does not appear on the signature roster must be issued a provisional ballot if the voter:

- Presents identification that includes his or her name and a residential address that the clerk verifies to be within the precinct (in counties that conduct assigned polling place elections); or
- Signs an affirmation that states the voter is registered and eligible to vote in that jurisdiction.

[A.R.S. § 16-584\(B\).](#)

i. Recorder's Certificate

A voter whose name does not appear on the signature roster, but who presents a certificate from the County Recorder showing that the voter is entitled to vote at the voting location, is entitled to vote a regular ballot. In a jurisdiction that uses a paper signature roster, the voter must sign on the first available blank line on the signature roster. [A.R.S. § 16-584\(A\).](#)

c. Voter Has an Inactive Status

If a voter whose registration record is in inactive status and the voter has a new residential address in a different precinct, the voter must be directed to the correct voting location (in

counties that conduct assigned polling place elections). In this case, the voter must also be informed that his or her vote will not count unless the voter travels to the correct polling place that corresponds to the voter's current address.

If a voter affirms they continue to reside at the address on the signature roster or in the e-pollbook, the voter must be issued a regular ballot and the County Recorder must place the voter's registration record in active status following the election. [A.R.S. § 16-583\(A\)-\(B\)](#).

d. Voter Changed His or Her Name

If a voter's current name does not appear in the signature roster or e-pollbook because the voter changed his or her name, the voter must be issued a provisional ballot or conditional provisional ballot. In that case, the clerk must write the voter's new name and former name on the provisional ballot envelope. The provisional ballot envelope will be used by the County Recorder after the election to change the voter's name in the voter registration database.

However, if the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration or address update form and a regular ballot to be issued in lieu of a provisional ballot.

e. Voter Moved Within the County

If a voter moved to a new address within the county but did not update his or her address with the County Recorder before the election, the voter must vote a provisional ballot and (in counties that conduct assigned polling place elections) must vote at the polling place that corresponds to his or her new address. [A.R.S. § 16-584\(C\)](#). A clerk has a duty to orally inform the voter that his or her vote will not count unless the voter travels to the correct polling place that corresponds to the voter's current address.⁴²

At the new polling place, the voter will be permitted (via the provisional ballot envelope) to update his or her voter registration record with the new address. [A.R.S. § 16-584\(C\)](#). In a jurisdiction that utilizes vote centers, the voter may update his or her address in the same manner but may vote at any vote center within the jurisdiction.

If the election board has real-time access to voter registration records, the voter's information may be updated at the voting location upon completion of a new voter registration form or address update form and a regular ballot may be issued in lieu of a provisional ballot as long as the voter is a correct voting location for his or her new address.

⁴² See Stipulation for Dismissal, *Jones v. Reagan*, No. CV2016-014708 (Ariz. Super. Ct. Aug. 2, 2017); Order of Dismissal, *Jones v. Reagan*, No. CV2016-014708 (Ariz. Super. Ct. Aug. 4, 2017).

2. Procedures for Issuing Provisional Ballots

A voter who is issued a provisional ballot must sign his or her name on a separate signature roster page beginning with the number V-1 and numbered consecutively (for paper signature rosters only). [A.R.S. § 16-584\(E\)](#).

The voter and election board member must complete the information required on the provisional ballot envelope. The voter then must:

- Take the completed envelope and provisional ballot to the voting booth;
- Vote the provisional ballot;
- Place the voted ballot inside the provisional ballot envelope and seal the envelope; and
- Provide the sealed provisional ballot envelope to the election board member.

Upon receipt of the provisional ballot envelope, the election board member or voter must deposit the provisional ballot envelope in the provisional ballot box (and ensure the ballot is not inserted into any precinct tabulation equipment). [A.R.S. § 16-584\(D\)](#). The voter will be provided with a receipt or number with which to electronically verify the status of his or her provisional ballot.

a. Issuing Provisional Ballots to Secured Registrants

In the event a secured registrant attempts to vote provisionally at a polling place (and informs the poll worker of his/her secured status), the poll worker undertake additional precautions, including but not limited to:

- Confirming the correct ballot style;
- Ensuring that a protected government official or protected victim lists his or her actual residential address on the provisional ballot envelope;
- Making a notation about secured registrant status on the provisional ballot envelope; and/or
- Limiting the signature roster to the registrant's voter ID number and the notation "address protected."

3. Procedures for Issuing Conditional Provisional Ballots

If the voter does not provide acceptable proof of identity, *see* Chapter 9, Section IV(A) above, the voter must be issued a conditional provisional ballot. [A.R.S. § 16-579\(A\)\(2\)](#).

The process for voting the ballot, completing the ballot envelope, and sealing the voted ballot in an envelope is the same procedure applicable to provisional ballots. *See* Chapter 9, Section VI(B)(2) above. However, for a conditional provisional ballot, the election board member must:

1. Indicate on the ballot envelope that the voter did not provide acceptable identification;

2. Deposit the sealed envelope in the conditional provisional ballot box or other appropriate ballot box (or allow the voter to do so);
3. Provide a receipt that:
 - Informs the voter how and where the voter may provide the required identification; and
 - Informs the voter that he or she must provide proof of identity to the County Recorder by 5:00 p.m. on:
 - The 5th business day following a general election that includes an election for a federal office, or
 - The 3rd business day following any election other than a general election.

[A.R.S. § 16-579\(A\)\(2\).](#)

VII. CHALLENGES TO A VOTER ELIGIBILITY TO VOTE

A qualified elector in the county may, at the voting location, orally challenge a voter's eligibility. The elector challenging a voter's eligibility must show, by clear and convincing evidence, that:

1. The voter has voted before at that election, [A.R.S. § 16-591](#);
2. The voter is not the person whose name appears in the signature roster or e-pollbook, [A.R.S. § 16-121.01\(B\)\(1\)](#);
3. The voter has not resided in Arizona (or the relevant local jurisdiction) for at least 29 days before the election, [A.R.S. § 16-121.01\(B\)\(2\)](#);
4. The voter is registered at an address that is not permitted for registration purposes, [A.R.S. § 16-121.01\(B\)\(3\)](#); or
5. The voter is not otherwise a qualified elector, for example, the voter does not live within the proper electoral district or is not at least 18 years old. [A.R.S. § 16-121.01\(B\)\(4\)](#); [A.R.S. § 16-101\(A\)](#).

[A.R.S. § 16-121.01\(B\).](#)

A voter may not be challenged on the basis that he or she:

- Registered to vote using the State or Federal Form and did not provide proof of citizenship; or
- Moved from one address within the county to another within the county.

Challenges must be decided at the voting location by the inspector and two judges. The inspector should have the challenged voter step aside and permit the other voters in line to continue to vote while the challenge is being determined.

If requested by the challenged voter, and before administering any oath, the inspector must read to the voter the rules for determining residency, including the following information:

1. The residence of a person is that place in which his or her habitation is fixed and to which he or she has the intention of returning.
2. A person does not gain or lose his or her residence by reason of his or her presence at, or absence from, a place while employed in the service of the United States or of this state, or while engaged in overseas navigation, or while a student at an institution of learning, or while kept in prison or mental institution.
3. A person does not lose his or her residence by traveling to another county, state, or foreign country for temporary purposes, with the intention of returning. A person does not gain a residence in any county he or she travels to for temporary purposes, without the intention of making that county his or her home.
4. If a person moves to another state with the intention of making it his or her residence, he or she loses residency in this state.
5. If a person moves to another state with the intention of making it his or her current residence and remaining there for an indefinite time, he or she loses residency in this state even though he or she has an intention of returning at some future period.
6. The place where a person's family permanently resides is his or her residence (unless separated from his or her family), but is not his or her residence if it serves as a temporary location or is used for transient purposes.
7. If a person has a family residing in one place and he or she does business in another, the family residence constitutes the person's place of residence.
8. A United States citizen who has never resided in the United States is eligible to vote in this state by using a federal write-in early ballot if both of the following apply:
 - A parent is a United States citizen.
 - The parent is registered to vote in this state.
9. The mere intention of acquiring a new residence without leaving the state, or leaving the state without the intent to permanently do so, does not cause a loss of residency.

[A.R.S. § 16-593\(A\)](#); [A.R.S. § 16-593\(C\)](#). Board members should consult above residency requirements when determining registration validity.

If the challenged voter appears to be registered, the challenged voter must orally take the oath prescribed in the State Form: "I swear or affirm that the information in my voter registration is true, that I am a resident of Arizona, I have not been convicted of a felony or my civil rights have been restored, and I have not been adjudicated incapacitated with my voting rights revoked." [A.R.S. § 16-592\(A\)](#).

The challenged voter also may choose to answer questions material to the challenge, under oath. Only the inspector may address questions to the challenged voter. [A.R.S. § 16-592\(A\)](#).

If a majority of the board finds the challenge to be invalid, the voter must be permitted to vote a regular ballot, so long as the voter is otherwise eligible to do so. [A.R.S. § 16-592\(B\)](#).

If the person challenged refuses to take any oath, refuses to answer questions material to the challenge, or if a majority of the board finds that the challenge is valid, the challenged voter must be permitted to vote a provisional ballot.

In the case of any challenge, the election board must complete the challenge form and may seek guidance from the officer in charge of the election. [A.R.S. § 16-592\(C\)](#).

VIII. CLOSING THE VOTING LOCATION

A. Announcing the Closing of the Polls

The polls close at 7:00 p.m. on Election Day. [A.R.S. § 16-565\(A\)](#). The marshal must announce the closing of the polls and make the following additional public announcements (inside the voting location and to any voters waiting in line) at the specified time intervals:

- 1 hour before the closing of the polls;
- 30 minutes before the closing of the polls;
- 15 minutes before the closing of the polls;
- 1 minute before the closing of the polls; and
- At the moment of closing at 7:00 p.m.

[A.R.S. § 16-565\(C\)](#). The marshal must allow everyone to vote who is physically in line at the moment of closing the polls. The marshal may use any reasonable system to document or keep track of which voters were in line as of 7:00 p.m., for example, by standing in line behind the last person to arrive as of the closing of the polls and telling those who arrive later that the polls are closed. Voters who arrive in line after 7:00 p.m. on Election Day are not permitted to vote. [A.R.S. § 16-565\(D\)](#).

B. Poll Worker Close-Out Duties

Upon closing the voting location after the last voter has voted on Election Day, the election board should perform close-out duties as assigned by the officer in charge elections, including the following duties as applicable:

1. Using the procedures specified by the officer in charge of elections, the election board must conduct an audit to ensure that the number of voters who signed in on the signature roster or e-pollbook matches the number of ballots cast, including regular and provisional ballots and any votes cast on the accessible voting equipment, if the accessible voting equipment independently tabulates votes.
2. The information from this audit must be recorded on an Official Ballot Report form provided by the officer in charge of elections, which must include:

- a. The number of ballots received by the voting location;
 - b. The number of voters who signed in on the signature roster, poll list, or e-pollbook and are indicated as having been issued regular ballots;
 - c. The number of regular ballots cast as determined by the election board's manual count if tabulation is not done at the voting location, or as reflected on the printed summary tape from the tabulation machine if tabulation is done at the voting location;
 - d. The number of voters who signed in on the signature roster, poll list, or e-pollbook and are indicated as having been issued provisional and conditional provisional ballots;
 - e. The number of provisional and conditional provisional ballots cast; The number of unused ballots, spoiled ballots, misread ballots that still need to be tabulated (if tabulation is done at the voting location), and write-in ballots (if applicable);
 - f. In counties that use accessible voting units that independently tabulates, the number of regular and provisional ballots cast on the unit, and the unit's beginning and ending counts (if applicable);
 - g. The Official Ballot Report must be signed by the inspector and both judges, and if there are any discrepancies in the report, an explanation for the discrepancy should be attached or otherwise provided with the Official Ballot Report. The Audit Board will use this information to conduct their post-election audit (*see* Chapter 10, Section II(I)).
3. Secure the ballot boxes;
 4. Remove all memory cards or electronic media from voting equipment and e-pollbooks (if applicable);
 - a. Lock and/or seal any ports or compartments where memory cards or electronic media had been inserted.
 5. Power down any voting equipment and prepare the equipment for transport/pick-up;
 6. Collect all supplies required to be returned to the elections department;
 7. Sign the Certificate of Performance for the signature roster or e-pollbook;
 8. Prepare the official and unofficial envelopes (if applicable), *see* Chapter 10, Section II(G);
 9. Prepare to transport the following items to the central counting place or other receiving site:
 - Official and unofficial return envelopes;
 - Voted ballots;
 - Signature rosters;
 - E-pollbooks (if the signature roster information remains in the e-pollbook and has not been extracted by removing memory cards or electronic media or otherwise securely synced with the central server);

- Memory sticks or electronic media; and
- Any voting equipment that independently tabulates (if memory sticks or electronic media have not been removed).

10. Exit and lock the voting location.

C. Transport of Ballots, Voting Equipment, and Precinct Supplies

Following the close of voting on Election Day, the transport of any ballots, voting equipment, and necessary precinct supplies to the central counting place or other authorized receiving site must be accomplished by: (1) two authorized election workers, who must be members of different political parties; or (2) if extenuating circumstances exist, a sworn official election messenger appointed in accordance with [A.R.S. § 16-615\(B\)](#).

CHAPTER 10: CENTRAL COUNTING PLACE PROCEDURES

I. CENTRAL COUNTING PLACE OPERATIONS

All early ballots and provisional ballots are initially processed by the County Recorder and then transferred to the officer in charge of elections for tabulation at the central counting place. Regular ballots cast on Election Day that are not processed and tabulated at the voting location are also transmitted to the central counting place for processing and tabulation. Central counting place operations are conducted under the direction of the Board of Supervisors or the officer in charge of elections. The operations must be in accordance with the procedures outlined in this manual, and open to observation by representatives of each political party and the public.

The central counting place and the computer center, where the computer containing the election management system (“EMS”) is securely kept, may be separate or joined as determined by the Board of Supervisors or designee. Maximum efficiency and control results when all board functions are performed in the same facility. However, when physical restrictions result in inadequate working spaces, it is permissible to separate board functions as long as prescribed board functions and sequence are maintained and the public can observe.

When the computer center, central counting place, or receiving sites are not at the same location, the officer in charge of elections or designee transfer the ballots to the computer center or observe the transmission of voted results, even if they are initially received and processed at another location.

A security officer or an election official may conduct tours through the central counting place for the public. At no time shall any public observance of the election process interfere with or interrupt the normal ballot flow, nor shall members of the public touch a ballot, computer, or tabulation device (except as permitted by the officer in charge of elections during demonstrations). [A.R.S. § 16-621](#).

A. Deputies/Oath of Office

All persons taking part in the actual processing and counting of ballots, including the employees of a jurisdiction conducting an election, must be appointed in writing and take an oath provided by the Board of Supervisors or their designee that they will faithfully and impartially perform their duties. Any person who has not been appointed in writing or taken the oath shall, under no circumstances, be permitted to touch any ballot, computer, or counting device used in processing ballots.

B. Providing Live Video Recording at Central Counting Place

For any statewide, legislative or county election, and subject to local appropriation, the county officer in charge of elections must provide a live video recording of the custody of all ballots when ballots are present in the tabulation room in the central counting place.⁴³

The live video recording must include date and time indicators. If the live coverage is interrupted, the officer in charge of elections must attempt to reinstate coverage as soon as practicable. Any disruption in live video recording does not prevent the officer in charge of elections from continuing to tabulate ballots. The officer in charge of elections must record the video coverage and retain the recording as a public record at least through the challenge period for the election. At minimum, the challenge period is through the date to file or conclude any post-election recount or election contest.

The county officer in charge of elections must timely provide the website hyperlink to the Secretary of State, who must publish those hyperlinks on the Secretary of State's website. [A.R.S. § 16-621\(C\)](#).

C. Manual Ballot Counting

If it becomes impracticable to count all or some of the ballots with tabulating equipment, the officer in charge of elections may direct that ballots be counted manually, following the provisions governing the counting of paper ballots. No valid ballot shall be left uncounted.

II. ESTABLISHING CENTRAL COUNTING PLACE BOARDS

The Central Counting Place may have 11 or more types of boards as needed, which may be combined, if practicable, at the discretion of the officer in charge of elections. The Board of Supervisors or officer in charge of elections shall appoint boards for the tallying of results after the polls have closed. More than one board may be appointed for each type of board:

- Receiving Board
- Inspection Board
- Central Counting Place Board
- Duplication Board
- Electronic Adjudication Board
- Data Processing Board
- Write-in Board
- Provisional Ballot Board

⁴³ Live video recording is not required for L&A testing or the post-election hand count audit. [A.R.S. § 16-602\(B\)](#).

- Special Election Board
- Audit Board
- Snag Board

Board members are appointed by the Board of Supervisors or other county officer in charge of elections at least 14 days prior to the board beginning its duties. All board members should be trained on their duties before assuming their positions. Some boards may have their duties combined at the discretion of the County Recorder or officer in charge of elections.

Unless otherwise noted below, each board is comprised of two members of different political parties. County party chairpersons may nominate persons to fill board positions. Without a nomination from a party chairperson, the Board of Supervisors or their designee may fill the position with a member of the appropriate party.⁴⁴

Separate boards consisting of two judges and an inspector will be appointed to process early ballots and write-in votes. At least one of the judges should not be a member of the same political party as the inspector.

The following procedures for processing ballots shall be followed, unless the Secretary of State has granted a jurisdiction permission to use another method. A jurisdiction wishing to deviate from these instructions must make a request in writing no later than 90 days prior to the election for which the exception is requested.

A. Receiving Board

The Receiving Board consists of two members who are not registered in the same political party. The officer in charge of elections or designee serves as the chair of the Receiving Board.

The Receiving Board is responsible for receiving the following items from the elections boards at the polling places and voting locations after the polls have closed, as applicable:

- Memory devices;
- Ballot transport containers containing ballots;
- Early ballots that have been dropped off at a polling place;
- Provisional ballots;
- Official returns container;
- Unofficial returns container;
- Precinct payroll envelope containing vouchers and a copy of the Official Ballot Report;

⁴⁴ If it is impossible to sufficiently staff the boards with members of different political parties, the officer in charge of elections shall, at minimum, exercise best efforts to utilize board members with no party affiliation to ensure that there is a diversity of political party affiliation (including no affiliation) on the boards and that no board is comprised of members of only one party.

- Duplicate poll list; and
- Signature roster or electronic poll book.

When a ballot transfer container is delivered to a Receiving Board, the following entries shall be made in the Receiving Board Log, as applicable:

- Precinct/polling place or vote center name or other identifier;
- Signatures of the persons delivering the container;
- Seal number of the Ballot Transfer Container;
- Seal number on the carrying case of the tabulation unit;
- Seal number on the carrying case of the Accessible Voting System unit and memory packs; and
- Initials of the person receiving the ballot transfer container.

The Receiving Board shall ensure proper chain of custody documentation for all items received.

If it appears that the ballot transfer container seal is broken, it shall be immediately referred to the officer in charge of elections or Snag Board for disposition. All other ballot transfer containers should be delivered unopened to the Inspection Board.

B. Inspection Board

The Inspection Board is responsible for:

- Opening and verifying information on the precinct ballot report if the ballot transfer container contains any voting materials other than voted ballots;
- Inspecting returns as necessary.

Receiving Boards and Inspection Boards should normally be combined, unless circumstances would render this inefficient. The officer in charge of elections shall provide each board with a log to enter pertinent data for each precinct/polling place or vote center.

1. Preliminary Procedures

When the ballot transfer container or alternate ballot box arrives at the central counting place, the Inspection Board shall:

- Break the seal and open the ballot transfer container;
- Break the seal on the alternate ballot box, if used;
- Remove the Ballot Report Form and check to see that the seal number is the same as shown on the log—if the Ballot Report Form is absent, incomplete, or the seal number does not agree with the number on your inspection board log, call for the supervisor or officer in charge of elections;

- Enter on the inspection board log:
 - Precinct name and/or number or voting location
 - Number of write-in ballots,
 - Number of provisional ballots, and
 - Number of early ballots dropped off at the polling place;
- Separate the types of ballots to be processed into:
 - Provisional ballots,
 - Write-in ballots,
 - Voted ballots, and
 - Early ballots.

2. Provisional Ballots

If there are provisional ballots:

- The provisional ballot envelopes should be visually distinguishable from other ballot envelopes issued at a voting location or early voting site. Provisional and conditional provisional ballot envelopes may be printed on colored paper, may bear bar codes that do not identify the voter, or may use other methods to visually distinguish those types of ballot envelopes;
- Keep provisional ballots separate from conditional provisional ballots;
- Complete the provisional ballot transmittal slip by entering:
 - The number of provisional ballots stated on the ballot report, and
 - The actual number of provisional ballots received; and
- Record the number of provisional ballots on the inspection board log.

3. Voted Early Ballots

Early ballots dropped off at the polling place must be delivered to the County Recorder for signature verification, and may be verified prior to or along with the provisional ballots. For more information about processing early ballots, *see* Chapter 2, Section VI.

4. Regular Voted Ballots

Regular ballots that were tabulated at the voting location remain in the ballot transfer container received from the precinct, or are packaged for storage and retention in the Treasurer's vault.

C. Central Counting Place Board

The Central Counting Place Board is responsible for the processing and tabulation of voted ballots on the central count tabulation equipment and the EMS and shall maintain the security of the ballots throughout the process. The Central Counting Place Board shall be under the direction of the Central Counting Place Board inspector; and consist of as many trained personnel selected by the Board of Supervisors or their designee as required to process all ballots delivered to the computer room.

Members of the Central Counting Place Board should be familiar with the L&A test requirements, data processing procedures, and ballot tabulation equipment. There shall be no preferential counting of ballots for the purpose of projecting the election. [A.R.S. § 16-621](#).

The Central Counting Place Board shall:

1. Secure all processed ballots until successful completion of the last accuracy certification test;
2. Seal the ballot containers or secure the room where the ballots are located;
3. Keep the containers in a secure area until:
 - The end of the challenge period, or
 - If a challenge is filed, until the challenge has been resolved, and
 - The ballots have been released to the custody of the officer in charge of elections;
4. Transfer the sealed containers to the officer in charge of elections who shall transfer the ballots to the County Treasurer for retention.

The computer operating area, where the computer containing the EMS is located, shall be in a separate room or in an area of a larger room which is clearly marked as the computer operating area. Only members of the Central Counting Place Board and Accuracy Certification Board may be permitted in the immediate computer operating area. Other observers may be permitted to observe the operations of these boards and the computer from a designated location, but must not interfere with the conduct of the operations. The Snag Board may enter the computer operating area to resolve any discrepancy.

Except for a County Recorder whose name is not on the ballot and who is carrying out official duties, no public officer serving in an elected position, or any candidate for an elective public office at the election shall be permitted to enter the central counting place unaccompanied by the officer in charge of elections or designee, any area where a tally board has been convened, any area where decisions about ballots are being made, or any other operational area where ballots are being processed or tallied.

D. Duplication Board

When any ballot, including an early ballot, is damaged or defective so that it cannot be read by the tabulation machine, it must be duplicated by a Duplication Board and the duplicated ballot must be tabulated in place of the damaged ballot. [A.R.S. § 16-621\(A\)](#).

1. Establishing a Duplication Board

Each duplication board shall be comprised of at least two members who are registered voters not of the same political party and who are appointed by the officer in charge of elections. An inspection board may serve as a duplication board.

The Duplication Board duplicates ballots that cannot be read by the tabulation machine but on which the voter has nonetheless clearly indicated his or her intent to vote on a particular race or ballot measure. This may include crumpled or otherwise damaged ballots, ballots with smudged ink, or ballots which are marked in the wrong color of ink or with a device that cannot be read by the tabulation machine. If voter intent is not clear and Duplication Board members do not agree on the voter intent for a particular ballot, that ballot should be referred to the Snag Board for resolution prior to duplicating the ballot.

2. General Duplication Guidelines

Generally, only UOCAVA ballots, early ballots, and ballots cast at voting locations without a tabulation machine on-site should be duplicated at central counting facilities. Voters who vote at a voting location with a tabulation machine on-site feed their voted ballots directly into the tabulation machine and have the opportunity to correct an unreadable ballot on the spot.

If a voter selects more than the maximum number of seats for a race, the tabulation machine will read the race as over-voted. Similarly, if a voter voted for a candidate whose name is printed on the ballot by marking the appropriate arrow or oval and also wrote the candidate's name in the write-in area, the tabulation machine will read that race as over-voted. Over-voted ballots should be sent to the Duplication Board (and the Snag Board or officer in charge of elections for adjudication if needed), even if the voter correctly filled in the arrow or oval for other choices. If voter intent can be determined, the ballot should be duplicated and counted. In counties that utilize digital scanning tabulation equipment, ballots may be digitally out-stacked for electronic adjudication, as provided in Section II(E) below.

If a voter has consistently marked his or her ballot by circling the name of the candidates, or circling yes or no for issues, or placing an x, check mark, punched hole, or other similar mark next to the voter's choices, the tabulation machine will read the ballot as blank or invalid. These blank ballots should be sent to the Duplication Board.

If the early ballot board finds ballots that are torn, corrected with white out or labels, erased, marked with ink or crayon that cannot be read by the equipment, the ballot must be sent to the duplication board.

Ballots received via fax, email, or secure web portal from military or overseas voters shall be forwarded to the duplication board for processing.

3. Procedures for Duplicating a Ballot

A damaged or unreadable ballot must be duplicated according to the following procedures:

5. Ensure the correct ballot style for the voter's precinct will be used to create the duplicated ballot;
6. Mark the proper precinct identification code, if applicable;
7. Record an identical serial number on both the original and duplicate ballot (including spoiled duplicates) – this ties the ballots together and creates a paper trail as required by statute, [A.R.S. § 16-621\(A\)](#);
8. Conspicuously mark the original ballot as “DUPLICATED;”
9. Using the damaged or unreadable ballot as a guide, mark a blank ballot with votes identical to those on the original ballot;
10. Do not duplicate write-in names that are not on the authorized write-in list (“blank” or “unofficial” may be typed in if using a ballot marking device to duplicate and the name/line cannot be left blank). However, mark the arrow or fill in the oval to indicate the vote cast; After marking the duplicate ballot, check to make sure it is identical to the original, including over-votes if voter intent cannot be determined and any under-votes;
11. If the duplication board makes any errors, mark the duplicate ballot “SPOILED” in a conspicuous manner, and repeat the above steps on a new ballot; Place all original ballots in an envelope or container labeled “ballots that have been duplicated.”

It is never permitted to enhance or alter a voter's original ballot markings to render the ballot readable. Instead, the ballot should be duplicated.

E. Electronic Adjudication Board

As an alternative to manual duplication of ballots performed by the Duplication Board or manual tallying of write-in votes by the Write-In Tally Board, the officer in charge of elections may utilize an electronic adjudication program and appoint an Electronic Adjudication Board. If electronic adjudication of ballots will be utilized for an election, that functionality will also be tested during the L&A test for that election to ensure proper functioning. In addition, a paper audit log must be produced, verified, and signed off on by the Electronic Adjudication Board members before committing their selections to the EMS (*see* Chapter 10, Section II(E)(3)).

The following types of ballots may be adjudicated and counted using electronic adjudication:

1. Misread Ballot (other than damaged or defective ballots, which must be manually duplicated): The Electronic Adjudication Board may manually input the voter's intended choice from a ballot page that was unable to be read by the scanner, for example due to smudges or unintended marks.
2. Over-voted Ballot: The Electronic Adjudication Board may evaluate over-vote conditions to determine the voter's intent and make corresponding adjustments to the record.
3. Write-In Audit: The Electronic Adjudication Board may review write-in entries and assign those votes to the appropriate qualified write-in candidate.
4. Blank Ballots: The Electronic Adjudication Board may review ballots read by the tabulation machine as blank, determine if voter intent is clear on some or all races, and make corresponding adjustments to the record.

Ballots that are damaged or defective must be manually duplicated and may not be electronically adjudicated. [A.R.S. § 16-621\(A\)](#).

1. EMS Requirements

To utilize electronic adjudication and/or electronic tallying of write-in votes, the following minimum system and application requirements must be met:

1. The electronic adjudication application must be part of an EMS that has received federal and state certification and is authorized for use in elections in Arizona.
 - The application must be installed with the EMS on a secure, isolated, closed network and must not be connected to the internet or an external network.
2. The application must provide distinct security roles, with separate user names and secure passwords for each user. These security roles must have different functions. For example, a user who can tabulate a write-in vote may not also have access to audit logs. Each election worker shall be given access to only the components of the application necessary to perform their duties.
3. Users must have unique user names and secure passwords. Vendor supplied generic passwords may not be used.
4. User login must be required each time the electronic adjudication application is started. The application and/or tabulation system shall be capable of identifying ballots that are misread or blank, or contain over-votes or write-in votes.
5. The application shall provide comprehensive logging of any changes for audit purposes, as well as validation of all changes through the use of multiple electronic "signatures" before committing the updates to the results.
6. The application shall allow election officials to review, evaluate, and electronically adjudicate votes, in accordance with the voter's intent, through the application without physical duplication of the ballot and record those changes and any modified totals in the results report.

7. The application shall allow for each transaction to be reviewed and approved by at least two election officials of different political party affiliation.
8. The application shall include electronic review, attribution of eligible write-in votes, and tallying of official write-in votes within the application.
9. There must be an efficient and reliable means of identifying and locating the physical ballots that have been electronically adjudicated and/or tallied if needed for auditing. For example, the tabulation machine may be programmed to out-stack and/or print identification numbers on the ballots to be electronically adjudicated.

Even if electronic adjudication is not utilized, the tabulation equipment may be programmed to stop on, sort, or flag write-in votes for races with official write-in candidates. All other races without write-ins may be ignored. Official write-in candidates may be entered into the EMS after the write-in filing deadline to facilitate this process as long as doing so does not modify the election programming if L&A testing has been completed.

2. Electronic Adjudication Board Composition

If the officer in charge of elections elects to use electronic adjudication, he or she must appoint an Electronic Adjudication Board consisting of two judges, overseen by the officer in charge of elections (or designee). The two judges shall not be members of the same political party.

An Electronic Adjudication Board that will tally official write-in votes must consist of an inspector and two judges of opposite political parties as outlined in [A.R.S. § 16-531\(E\)](#).

3. Electronic Adjudication Procedures

Prior to electronically adjudicating any ballots, the Election Adjudication Board must be trained in their duties and application functionality.

1. The electronic adjudication of ballots and electronic tallying of write-in votes must be performed in a secure location, preferably in the same location as the EMS system, but open to public viewing.
2. The officer in charge of elections shall make a back-up of the election from the EMS prior to the start of electronic adjudication/tallying and after electronic adjudication/tallying is complete in order to have a record of the results as initially read by the tabulator and after electronic adjudication/tallying.
3. Electronic adjudication of ballots shall be performed separate and apart from the electronic tallying of official write-in votes.
4. If the Electronic Adjudication Board cannot agree on the resolution of a ballot, that ballot shall be flagged and referred to the officer in charge of elections or designee for final determination.

5. The EMS and/or electronic adjudication application shall provide a report on the ballots electronically adjudicated and/or official write-in votes tallied and the selections made by the Electronic Adjudication Board.
6. The electronic adjudication or electronic write-in tally process shall include production of a paper audit log or trail of the Electronic Adjudication Board's decisions as to each ballot/vote electronically adjudicated or tallied. The paper audit log must be signed off on by the board members. The Electronic Adjudication Board shall verify that the paper audit log accurately reflects the board's selections and that those selections are accurately reflected in the electronic adjudication application prior to committing the selections to the EMS. To meet the requirement of a board-verified paper audit log, the Electronic Adjudication Board shall maintain a manual, hard-copy log of its selections for each ballot/vote electronically adjudicated and/or official write-in votes tallied by batch or shall print a log of its selections by batch from the application, verify that the printed log accurately reflects the board's selections, and confirm that those selections are accurately reflected in the electronic adjudication application prior to committing the selections for that batch to the EMS.

a. Electronically Adjudicating Misread/Blank/Over-Voted Ballots

An Electronic Adjudication Board that adjudicates misread, blank, and over-voted ballots must:

1. Use the electronic adjudication application or tabulations system to filter and review misread, blank, and over-voted ballots;
2. Determine voter intent and electronically attribute votes according to the intent of the voter;
 - The general guidelines for determining voter intent in Chapter 11, Section IX should be followed to the extent they do not conflict with any requirements in this Section.
 - The board may decide to: (i) approve the ballot with no changes to any races; (ii) place a ballot on hold for further review by the officer in charge of elections or Snag Board, or (iii) approve the ballot with changes based on the board's adjudication of voter intent.
3. After adjudication is complete, and the board has verified that the paper audit log of its selections are accurate and those selections are accurately reflected in the application, the results must be committed to the system and election results will be updated with new totals; and
4. Produce a paper audit log of all adjudicated ballots/votes and the board's disposition of each ballot/vote for each batch adjudicated. Prior to committing the selections for each batch adjudicated to the EMS, the Electronic Adjudication Board shall verify that the paper audit log accurately reflects the board's selections and that those selections are accurately reflected in the electronic adjudication application. The paper audit log shall be maintained in case future resolution of any discrepancy or audit of the electronic adjudication process is needed.

b. Electronically Adjudicating Write-In Votes

An Electronic Adjudication Board that tallies write-in votes must:

1. Use the EMS and electronic adjudication application to electronically filter and review ballots with write-in votes;
2. Determine voter intent and attribute votes to official write-in candidates only;
 - A write-in may be designated by: (i) the name of the candidate, or (ii) political party, in which case the vote shall be counted for the candidate of that political party. Any abbreviation, misspelling, or other minor variation in the form of the name of a candidate or political party shall be disregarded in determining the validity of the ballot if the intention of the voter can be ascertained.
 - Write-in votes for unofficial write-in candidates are invalid and shall not be tallied electronically.
3. Produce a paper audit log of all tallied write-in votes and the board's disposition of each vote for each batch adjudicated. Prior to committing the selections for each batch tallied to the EMS, the Electronic Adjudication Board shall verify that the paper audit log accurately reflects the board's selections and that those selections are accurately reflected in the electronic adjudication application. The paper audit log shall be maintained in case future resolution of any discrepancy or audit of the electronic write-in tally process is needed.
4. Procedures and guidelines applicable to the Write-In Tally Board in Chapter 11, Section II(H) also apply to Electronic Adjudication Boards that electronically tally write-in votes to the extent they do not conflict with the requirements in this Section (Chapter 10, Section II(E)).

F. Accuracy Certification Board

The Accuracy Certification Board consists of two elections officials registered with two different political parties and shall be appointed by the Board of Supervisors or their designee. The Accuracy Certification Board is responsible for verifying the accuracy of computer programs, through the L&A test materials, and attesting to the procedures during computer processing of ballots. [A.R.S. § 16-449](#).

All L&A tests shall be observed by the Accuracy Certification Board, and open to representatives of political parties, candidates, the press, and the general public. Political party observers are distinguished from members of the general public, who may view the central counting place activities from the public viewing area. Properly credentialed political party observers may observe the proceedings from inside the room where they happen. However, under no circumstances should a political party observer touch or operate the election server computer or any scanning device. *See* Chapter 10, Section I(A).

If an error is detected in the L&A test, it shall be corrected. An errorless test must occur and be completed before the program and computer are certified.

Immediately after completion of the tabulation of ballots, the Accuracy Certification Board shall certify that:

12. The number of ballots processed for each precinct or voting location was checked against the number of ballots received from the precinct or voting location by the Ballot Inspection Board (part of the Central County Place Board), as reflected on the Ballot Report Form; and
13. Any discrepancies in the number of ballots received and the number processed by the vote tally system are properly resolved.

G. Provisional Ballot Processing

Provisional ballots are processed initially by the County Recorder and then by a Provisional Ballot Board at the central counting place.

The provisional ballot affidavit, whether part of the provisional ballot envelope or a separate form, shall be deemed sufficient if it is signed by the voter and, if the voter did not provide adequate identification at the voting location, the signature matches the signature on the voter's registration record. A provisional ballot shall not be rejected solely for lack of a signature on the affidavit by polling place elections officials.

A conditional provisional ballot cast by a voter must be clearly distinguishable and kept separate from other provisional ballots. A conditional provisional ballot must not be processed and forwarded for tabulation until the voter has produced sufficient identification to the County Recorder, in accordance with the provisions of this manual governing proof of identity. *See* Chapter 9, Section IV(A). The County Recorder must disqualify the ballot if the voter does not provide sufficient identification by the deadline.

1. Country Recorder Responsibilities

a. Verification of Provisional Ballots

All provisional ballots must be verified for proper registration within ten calendar days after a general election that includes an election for federal office, and within five business days for all other elections. [A.R.S. § 16-135\(D\)](#). The provisional ballot shall be counted if:

1. The voter's registration is verified and the voter is eligible to vote in the precinct, *and*
2. The voter's signature does not appear on any other signature roster for that election, *and*
3. There is no record that the voter voted early in that election.

For a provisional ballot to be counted, the County Recorder shall confirm that all of the following requirements are met:

1. Confirm that the provisional ballot affidavit is signed;
2. Confirm that the voter was registered to vote and was eligible to vote in the election;

3. Confirm that the voter voted in the correct polling place or voting location or cast the ballot for the correct precinct;
4. Confirm that there is no record of that the voter voted early for that election;
5. If the voter moved without updating his or her address and voted in the precinct for the new address, confirm that the voter did not vote in the prior precinct by confirming that the voter did not sign the signature roster for the prior precinct;
6. For a partisan primary election, confirm that the voter received and voted the correct party ballot based on the voter's party affiliation;
7. If the voter is registered as a "federal-only" voter, confirm that the voter received a "federal-only" ballot or clearly mark or stamp the outside of the provisional ballot envelope to indicate that the voter is a "federal-only" voter and only races for federal candidates should be tabulated.

The County Recorder shall deliver only provisional ballot envelopes and/or affidavits of qualified voters who meet the above requirements to the Board of Supervisors or officer in charge of elections for counting. Rejected provisional ballot envelopes and/or affidavits should be separately retained and delivered to the officer in charge of elections for retention in accordance with [A.R.S. § 16-624](#).

b. Rejection Reason Code

The rejection code reason is determined by the County Recorder. The rejection reasons include:

1. Not registered;
2. No ballot in envelope;
3. Registered after 29-day cut-off;
4. No signature;
5. Insufficient/illegible information;
6. Voter did not provide adequate identification and signature does not match;
7. Wrong party;
8. Outside jurisdiction ballot;
9. Voter challenge upheld;
10. Voted in wrong precinct;
11. Voted and returned an early ballot;
12. Proper identification not provided by deadline;
13. Not eligible; and
14. Other (please specify).

c. Updating Voter Registration Records

The County Recorder shall update the appropriate county register or registration database with the names of all provisional voters whose registration was verified to indicate that those voters are qualified to vote in future elections.

The County Recorder may also use the information from a provisional ballot envelope or affidavit to update a voter's name and address. A provisional ballot envelope or affidavit may also be used to register a voter for the first time for future elections (not the current election the provisional ballot was used for) if it contains all the required information for a voter registration form. Additionally, a "federal-only" voter may use the provisional ballot process to provide a driver license number as DPOC for future elections (although not for the current election the provisional ballot was used in).

d. Voter Verification of Provisional Ballot Status

The County Recorder shall create a provisional ballot record for the voter that contains the following information:

1. Provisional ballot receipt number;
2. Name of the voter;
3. Precinct/polling location where the provisional ballot was cast;
4. Provisional ballot status;
5. Provisional ballot status reason;
6. Address (optional)
7. Date of Birth (optional)
8. Political Party (optional).

[A.R.S. § 16-584\(E\).](#)

This information will be used for online verification of a voter's provisional ballot. The information shall be available online for one month after posting.

As soon as possible after verification of the provisional ballots is complete, a notice informing the voter whether his or her vote was counted or not counted, and the reason for not counting if applicable, shall be provided to the voter. This may be in the form of a notice mailed to the voter, or the voter may access the information pursuant to the instructions on the receipt that was issued to the voter at the time he or she voted the provisional ballot. The receipt will provide the voter with clear instructions on how to determine the status of his or her vote.

The County Recorder or other officer in charge of elections shall provide to provisional voters a toll-free number or other method of verifying the status of their votes. Reasonable restrictions will be employed to limit transmittal of the information only to the voter, such as verifying the

date of birth, state or country of birth, or other information that could confirm the voter's identity if compared with the voter registration information on file. The officer in charge of elections will request verification of identity with information from the voter's registration record or provisional ballot envelope. [A.R.S. § 16-584\(F\)](#).

2. Provisional Ballot Board Responsibilities

The Board of Supervisors shall appoint one or more Provisional Ballot Boards, consisting of two elections officials not of the same political party, for the processing of provisional ballots. They must also appoint additional clerks as needed, designate the supervisory authority, designate the location for processing, and provide all necessary supplies.

Provisional ballot boards may convene and begin ballot processing any time after provisional ballots are delivered to the officer in charge of elections. The provisional ballot processing board shall place official and unofficial returns in containers marked "official returns" and "unofficial returns." The container may be an envelope or any other container that keeps the official and unofficial returns physically separated by precinct.

The inspector on the Provisional Ballot Board shall be in charge of processing. The inspector shall receive the provisional ballot envelopes from the verification staff and record the precinct identification data on the transmittal form.

3. Verification Staff Procedures for Specific Scenarios

Verification staff at the central counting place must follow the following procedures in the specified scenarios below.

a. Provisional Ballots Cast by Federal-Only Voters

The verification staff must examine the outside of the provisional ballot envelope to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the verification staff will open the provisional ballot envelope and confirm whether the ballot inside is a "full-ballot" or "federal-only" ballot.

- If the ballot in the provisional ballot envelope is a "federal-only" ballot, the ballot shall be removed and processed for tabulation.
- If the ballot in the provisional ballot envelope is a "full-ballot," the verification staff will remove the ballot from the envelope and send the ballot to the Duplication Board for duplication of the races for President of the United States (Presidential Electors), United States Senator, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot.

b. Provisional Ballots Voted on an Accessible Voting Device that Independently Tabulates Votes

The verification staff must examine the provisional ballot affidavit to determine if the Recorder's Office has identified the voter as a "federal-only" voter. If that indicator is present and the Recorder's Office has indicated that the ballot is otherwise verified, the verification staff will print a copy of the voted ballot or pull the voter-verifiable paper audit trail to confirm whether the ballot is a "full-ballot" or a "federal-only" ballot.

- If the ballot is a "federal-only" ballot, the ballot shall be marked "accepted" on the EMS and processed for tabulation.
- If the ballot is a "full-ballot," the verification staff will mark the ballot "Fed-Only" and send the ballot to the Duplication Board for duplication of the offices of President of the United States (Presidential Elector), United States Senate, and United States House of Representatives only. No other race or ballot measure will be duplicated from that ballot. The provisional ballot shall be marked "rejected" on the EMS and the duplicated ballot shall be counted with the rest of the provisional paper ballots.

c. Damaged Ballots

If there are damaged provisional ballots, the verification staff must:

1. Count the number of damaged ballots in each precinct;
2. Initiate a transmittal slip to accompany the ballot to the Duplication Board;
3. Record the number on the slip; and
4. Forward the ballots, with the transmittal slip, to the Duplication Board.

d. Ballots Ready for Counting

The number of ballots ready to be counted must be recorded on a transmittal slip. The ballots and transmittal slip are forwarded to the Central Counting Place Board.

e. Ballots to Be Duplicated

If any provisional ballots require duplication, the verification staff must forward those ballots to the Duplication Board in a proper transmittal envelope.

f. Write-In Votes

After the provisional ballots have been counted on a tabulation unit, any ballots containing write-in votes shall be separated from the other ballots and forwarded to the Write-in Tally Board.

4. Challenges

Challenges of provisional ballots will be determined by the Provisional Ballot Board using the procedure outlined for counting early ballots in Chapter 2, Section V. If the voter is found to be not registered, the ballot shall remain unopened and be retained in the same manner as voted ballots. Party representatives and alternates may be appointed to be present during provisional ballot processing and to challenge the disposition of provisional ballots.

H. Write-In Tally Board

The Write-In Tally Board is comprised of one inspector and two judges, who are members of the two political parties which cast the highest number of votes in the state at the last general election. At least one of the judges must be of a different political party than the inspector. [A.R.S. § 16-531\(E\)](#). The Write-In Tally Board may manually tally write-in votes or do so through an electronic adjudication program pursuant to Chapter 10, Section II(E) above.

If the voter writes the name of a candidate on the ballot, the vote shall be counted for that candidate. If a voter writes the name of a political party on a FWAB, the vote shall be counted as a vote for the candidate of that party. Any abbreviation, misspelling, common nickname, or other minor variation in the name of a candidate or political party shall be disregarded in determining the validity of the vote if the intent of the voter can be ascertained. [A.R.S. § 16-543.02\(C\)](#).

Write-in votes are tallied only if the ballot is properly marked by the voter. This is done by writing in the name of a qualified write-in candidate AND by filling in the oval or connecting the arrow (or other method of properly marking the vote as indicated in the instructions for the particular optical scan or digital scan ballot). [A.R.S. § 16-448](#).

If a write-in vote is declared to be invalid, the Write-In Tally Board manually tallying write-in votes must draw a line through the name on the ballot, disqualifying that vote. The Write-In Tally Board must not count any write-in vote that an election official has identified as disqualified.

I. Audit Board

The officer in charge of elections is responsible for overseeing a post-election audit of each voting location using an Audit Board.

All election board logs, the Official Ballot Report, tabulation units, accessible voting device tapes/printouts, and a copy of the downloaded precinct results shall be delivered to an Audit Board upon the completion of each election board's function.

The Audit Board:

1. Receives the Official Ballot Reports for each voting location and any supplemental information from the election boards that could explain any discrepancies;

2. Receives the signature rosters, poll lists (or scanned copies), or reports from e-pollbooks that show voter check-ins and signatures;
3. Receives the tabulation unit and accessible voting device precinct paper tape;
4. Receives a copy of the transmitted precinct results from the election management system;
5. Verifies the counts on the Official Ballot Report;
6. Verifies that the count from the tabulation unit and accessible voting device precinct paper tapes is the same as the count from the transmitted precinct results on the election management system;
7. Produces a written record that the correct vote totals for each candidate and issue were transmitted from the polling place to the election management system;
8. Has access to all voting locations' ballot statements contained in the unofficial return envelope;
9. Identifies discrepancies in the reports following final tabulation of duplicated ballots and provisional ballots;
10. Resolves problems that appear to be of major significance in the presence of political party observers; and
11. Resolves and documents all discrepancies.

The functions of the Audit Board must be completed prior to the acceptance of the canvassing results in order to ensure the integrity of the canvass results.

J. Snag Board

The Snag Board is comprised of at least three members who are knowledgeable about the entire elections process. Where possible, its members should have experience working as board members in several previous elections cycles. It is appointed by the Board of Supervisors, and should have members of at least two political parties.

The function of the Snag Board is to resolve any problem brought to its attention by any of the other election boards.

CHAPTER 11: HAND COUNT AUDIT

A limited precinct and early ballot hand count audit must be conducted after each countywide primary, special, general, and PPE election and compared against the results from the electronic tabulation system, unless applicable exceptions apply. The purpose of the hand count audit is to compare the results of the machine count to the hand count to assure that the machines are working properly and accurately counting votes. If the results from the hand count audit are within the “designated margin” of the electronic results for selected ballots, the hand count is deemed to have confirmed the accuracy of the electronic tabulation equipment, the hand count may cease, and the countywide electronic results are deemed the official results of the election. If the results from the hand count audit are outside of the designated margin, a second hand count of the same ballots is required, potentially followed by an expanded hand count and one or more jurisdiction-wide hand counts depending on the results. [A.R.S. § 16-602\(C\)-\(E\)](#).

I. DESIGNATION OF HAND COUNT BOARD MEMBERS

At least 14 days prior to a countywide primary, special, general or PPE election, the officer in charge of elections must notify the county chairpersons of each recognized political party of the requirement to designate Hand Count Board members, who will perform the hand count audits under the supervision of the officer in charge of elections. The officer in charge of elections should forecast the requisite number of board members (including alternate board members) based on the number of precincts/vote centers included in the hand count and/or the total number of ballots to be hand counted.

The political party county chairpersons must designate Hand Count Board members and alternates at least seven days before the election (*i.e.*, by 5:00 p.m. on the Tuesday before the election). If the political party is not represented by a county chairperson, the chairperson of the applicable state political party (or designee) may appoint the Hand Count Board members.

The proposed board members and alternates must be registered to vote in Arizona but need not be registered members of the political party that designated them. Candidates appearing on the ballot, except for the office of precinct committeeman, may not serve as Hand Count Board members. Board members are entitled to receive compensation, but not for lodging, meals, or travel.

The officer in charge of elections must notify a political party county chairperson by 9:00 a.m. on the Wednesday before the election if there is a shortage of required board members (*i.e.*, the total number of proposed board members provided by all parties is less than four times the number of precincts to be audited). The chairperson must provide additional board member names by the next business day (5:00 p.m. on the Thursday before the election).

The hand count shall not proceed unless a sufficient number of Hand Count Board members has been designated by 5:00 p.m. on the Thursday preceding the election and appear at the designated time and location to perform the hand count. The hand count may also be canceled (and the electronic tabulation of ballots will constitute the official count) if the officer in charge of elections removes enough board members (due to disruption or members being unable to perform their duty) such that there is an insufficient number of board members and the shortage cannot be remedied with substitutions.

The officer in charge of elections must notify the Secretary of State if the hand count will be canceled. Among other information, the notification to the Secretary of State must outline the steps taken by the officer in charge of elections to secure sufficient participation in the hand count.

If a sufficient number of members are present for the hand count, the officer in charge of elections must create boards by selecting at least two judges and one inspector per board. Each Hand Count Board must be comprised of designees from at least two recognized political parties and no more than 75% of the members may be from the same political party. Typically, for a three-member Hand Count Board, no more than two board members shall be members of the same political party entitled to continued representation on the ballot. All board members must take the oath specified in [A.R.S. § 38-231\(E\)](#).

Board members may not bring any electronic devices, black pens, blue pens, or cell phones into the designated location of the hand count. [A.R.S. § 16-602\(B\)\(7\)](#).

II. OBSERVATION OF THE HAND COUNT AUDIT

The hand count is not subject to the live video requirements of [A.R.S. § 16-621\(C\)](#). However, political party representatives who are observing the hand count may bring their own video cameras to record the hand count. The observation or recording may not interfere with the hand count. In addition, to preserve the right to a secret ballot, no recording of ballot content shall be allowed. If either situation occurs, the officer in charge of elections may remove the observers or board members from the facility or further restrict video recording. [A.R.S. § 16-602\(B\)](#).

III. TYPES AND QUANTITIES OF BALLOTS TO HAND COUNT

A post-election hand count audit includes a precinct hand count, which involves a manual count of regular ballots from selected precincts, and an early ballot hand count, which involves a manual count of a percentage of early ballots cast in the election.

A. Ballots Included in the Precinct Hand Count

For the precinct hand count, the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the precincts, or 2 precincts, whichever is greater. Provisional and conditional provisional ballots are not included in the hand count. [A.R.S. § 16-602\(B\)\(1\)](#).

In counties that utilize vote centers, each vote center is considered to be a precinct/polling location and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or 2 vote centers, whichever is greater.

In a PPE, the officer in charge of elections must conduct a hand count of regular ballots from 2% of the polling places or vote centers established pursuant to [A.R.S. § 16-248](#). [A.R.S. § 16-602\(B\)\(3\)](#).

B. Ballots Included in the Early Ballot Hand Count

The officer in charge of elections must conduct a hand count of 1% of the total number of early ballots cast, or 5,000 early ballots, whichever is less. [A.R.S. § 16-602\(F\)](#).

At least one batch of up to 400 early ballots from each central count machine used to tabulate early ballots and at least one accessible voting machine (if those machines independently tabulate votes) used during on-site early voting shall be selected for the early ballot hand count process. The officer in charge of elections must securely sequester those selected ballots along with their unofficial electronically-tabulated results for use in the early ballot hand count.

IV. SELECTING PRECINCTS/POLLING PLACES TO BE HAND COUNTED

The county political party chairpersons (or designees) shall take turns randomly drawing the precincts, vote centers, or consolidated polling places from which regular and early ballots will be hand counted. If a chairperson appoints a designee, the appointment must be in writing with the signature of the chairperson. The precincts/polling places shall be selected by lot without the use of a computer and the order of selection by the county political party chairpersons (or designees) shall also be by lot.

The selection of the precincts/polling locations shall not begin until all ballots voted in the precinct polling places have been delivered to the central counting facility. The unofficial vote totals from all precincts/polling locations shall be made public before selecting the precincts/polling locations to be hand counted. The selection of precincts/polling locations shall occur prior to the selection of the races to be counted.

At least 2% of the precincts/polling locations in the county (rounded to the nearest whole number) or two precincts/polling locations, whichever is greater, shall be selected at random from a lot consisting of every precinct/polling location in that county. For any election where there are consolidated polling locations, the number of precincts to hand count should be calculated based on the number of active polling locations for that election.

For counties utilizing vote centers, each tabulation unit and its associated accessible voting device used at a vote center shall be considered to be a precinct/polling location during the selection process and the officer in charge of elections must conduct a hand count of regular ballots from at least 2% of the vote centers, or two vote centers, whichever is greater.

The process for selecting the precincts for Primary and General Elections is:

1. **Determine Selection Order:** Select by lot the order in which the county political party chairpersons (or designees) shall draw precincts/polling locations. The selection order will apply for the entire hand count process.
2. **Create Lot:** Create a lot containing all precincts/polling locations in the county.
3. **Select Precincts:** Draw the required 2% or two precincts/polling locations to be counted from a lot containing every precinct/polling location in the county. Precincts/polling locations without any registered voters shall be excluded from the pool of available precincts/polling locations in the county. The county political party chairpersons (or designees) shall alternate selecting precincts/polling locations based on the order defined in Step 1 from the lot until the required number of precincts/polling locations is selected.
 - If a tabulation unit from a vote center was selected as a precinct/polling location to be hand counted, a subsequential selection shall be conducted to select a touchscreen voting machine (if they independently tabulate votes, and if there are more than one) utilized at that vote center:
 - **Create Lot:** Create a lot containing all touchscreen voting machines used at the same vote center in which a tabulation unit was previously selected.
 - **Select Touchscreen Voting Machines:** Draw a corresponding number of touchscreen voting machines to be hand counted for each tabulation unit from a vote center that was previously selected, from a lot containing every touchscreen voting machine utilized at a vote center from which a tabulation unit was selected during the selection of the precincts/polling locations.
4. **Record Precincts.** The officer in charge of elections shall record the precincts/polling locations to be hand counted in the Master Precinct and Race Selection Worksheet. The precincts/polling locations shall be listed in the order selected. The order of the precincts/polling locations shall be used when selecting the contested races in Section V of this Chapter.

[A.R.S. § 16-602\(B\)\(1\), \(B\)\(2\), \(B\)\(2\)\(e\), \(C\).](#)

V. RACES ELIGIBLE TO BE HAND COUNTED

A. Eligible Races Generally

The races to be counted in the hand count audit generally includes up to five contested races, which shall include:

- One statewide candidate race;
- One statewide ballot measure (if the election has a statewide ballot measure on the general election ballot);

- One legislative candidate race (Arizona House of Representatives or Arizona Senate); and
- One federal candidate race (United States House of Representatives or United States Senate);
- One presidential elector race (only in general elections with a race for President of the United States).

[A.R.S. § 16-602\(B\)\(2\), \(5\).](#)

A candidate race within one of the above-referenced categories is eligible for inclusion in the hand count only if the race is “contested,” meaning there are more candidates seeking election or nomination than the number of seats available. [A.R.S. § 16-602\(B\)\(2\)\(f\).](#) Write-in candidacies do not create contested races if the race is not otherwise contested. [A.R.S. § 16-602\(B\)\(4\).](#)

If there are no contested races within one of the above-referenced categories, one or more additional contested races from one of the other categories must be selected by lot until the required number of contested races are selected for the hand count. [A.R.S. § 16-602\(B\)\(2\)\(e\).](#) For example, because a statewide ballot measure will not appear on the ballot during a primary election, an additional contested race from one of the other categories of eligible races must be drawn to make up the required four races.

For a primary election, each political party primary is considered a separate race. For example, the requirement to select one contested legislative race is satisfied by selecting either the Democratic or Republican primary election race. [A.R.S. § 16-602\(B\).](#)

For federal and legislative candidate races, only the type of office (House or Senate) must be selected, not any particular district. [A.R.S. § 16-602\(B\)\(2\)\(c\)-\(d\).](#) Therefore, if, for example, the race for U.S. House of Representatives has been selected to satisfy the federal candidate race category, and the county encompasses parts of three Congressional districts, ballots cast in any of the Congressional districts are eligible for the hand count audit as long as those races are contested.

B. Eligible Races in Special Elections

For a special election to vote on a statewide ballot measure, all statewide ballot measures should be selected for the hand count audit (assuming there are four or fewer statewide ballot measures on the special election ballot).

For a special election to fill a Congressional vacancy:

- If a Congressional primary is contested, all contested political party races should be selected for the hand count audit for that special primary election (assuming there are four or fewer contested primaries);
- Regardless of whether a Congressional primary was contested, a contested special general election must be selected for the hand count.

C. Eligible Races in PPEs

A hand count must be conducted following a PPE. [A.R.S. § 16-602\(B\)\(3\)](#). Since no other races may appear on a PPE ballot, all contested political party preference races should be selected for the hand count audit (assuming there are four or fewer contested preference races). [A.R.S. § 16-241\(A\)](#).

VI. SELECTING RACES TO BE HAND COUNTED

The county political party chairpersons (or designees) must randomly select the particular contested races to be hand counted, in the same order determined at the beginning of the hand count process and used to select precincts/polling locations.

If there are fewer than four contested races on the ballot, only the contested races on the ballot that fall within one of the four categories shall be included in the hand count audit. If there are no contested races in any of the designated categories in an election, no hand count will take place. [A.R.S. § 16-602\(B\)\(2\)\(e\)-\(f\)](#).

A. Selecting Races for Primary and General Elections

The following process shall be used to select the races to be counted for both the precinct hand count and early ballot hand count for primary and general elections:

1. **Determine the race categories available for this election.** The possible race categories shall be statewide candidate, federal candidate, state legislative candidate, and ballot measure, and, in a presidential election year, presidential elector. Some categories may not appear on the ballot for a particular election. [A.R.S. § 16-602\(B\)\(2\)](#).
2. **Create a master list of all contested races.** Create a list by race category of all possible contested races. This list will be referenced when creating the lots of possible races to count. The entries on this list shall be specific. Examples for the Primary would include Governor/Democrat or State House/Republican. Examples for the General would include State Treasurer or State Senate.
3. **Determine the required number of races that will be counted from each category.** There should be one race for each required category unless a category does not have an eligible race.
 - **Determine if there is a contested presidential elector race.**
 - If there is no contested presidential elector race on the ballot, place a zero in the “Presidential Elector” line of Section B of the Master Precinct and Race Selection Worksheet, *see* sample form in Chapter 17.
 - If there is a contested presidential elector race, place a tick mark in the “Presidential Elector” line.
 - **Determine if there is a contested statewide candidate race.**

- If there is no contested statewide candidate race on the ballot, place a zero in the “Statewide Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
 - If there is a contested statewide candidate race, place a tick mark in the “Statewide Candidate” line.
 - **Determine if there is a statewide ballot measure race.**
 - If there is no statewide ballot measure on the ballot, place a zero in the “Statewide Ballot Measure” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
 - If there is a statewide ballot measure race, place a tick mark in the “Statewide Ballot Measure” line.
 - **Determine if there is a contested federal candidate race on any of the ballots in the precincts/polling locations selected.**
 - If there is no contested federal candidate race in any of the selected precincts/polling locations, place a zero in the “Federal Candidate” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
 - If there is a contested federal candidate race, place a tick mark in the “Federal Candidate” line.
 - **Determine if there is a contested state legislative race on any of the ballots in the precincts/polling locations selected.**
 - If there is no contested state legislative race in any of the selected precincts/polling locations, place a zero in the “State Legislative” line of Section B of the Master Precinct and Race Selection Worksheet and place a tick mark in the “Additional Races Needed” line.
 - If there is a contested state legislative race, place a tick mark in the “State Legislative” line.
 - **If additional races are needed, determine if the number of races can be satisfied by an additional race(s) in another category.**
 - The priority for selecting other categories, if needed, is as follows: statewide candidate, statewide ballot measure, federal candidate and then state legislative. All additional races shall be fulfilled with the highest priority race category possible. The categories of races to be hand counted and the number per category shall be recorded on the Master Precinct and Race Selection Worksheet.
4. **Separate out the contested races by category and create selection lots for each category from which a race or races will be selected.**

- For the statewide candidate lot in a primary election, each contested party race shall be placed in the lot (*e.g.*, Governor/Republican, State Mine/Democrat).
 - For the federal candidate lot, the officer in charge of elections shall evaluate each of the precincts/polling locations selected to determine the possible federal candidate race types for the lot. If one or more precincts/polling locations have a contested federal candidate race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for U.S. House of Representative shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling places (*e.g.*, U.S. House/Republican and U.S. House/Democrat).
 - For the state legislative lot, the officer in charge of elections shall evaluate each of the precincts/polling locations selected to determine the possible contested state legislative race types for the lot. If one or more precincts/polling locations have a contested state legislative race, that race type shall be placed in the lot. In a primary election, each contested party race type shall be placed in the lot. The selections for state legislative race shall not contain the specific district since the names of the candidates may vary among the sampled precincts/polling locations (*e.g.*, State House/Democrat, State House/Republican, State House/Libertarian).
 - If any candidate race is for a vacancy, the vacancy race shall be treated as a separate race for creating lots. For example, if an AZ Corporation Commission seat is vacant and the term ends in 2010 and there is also a race for the seat with a term that ends in 2012, the Corporation Commission Term Ending 2010 and Corporation Commission Term Ending 2012 will be two separate races when creating the Statewide Candidate lot.
5. **Select the contested races to be hand counted.** The county political party chairpersons (or designees) shall alternate selecting races continuing with the order defined when selecting precincts/polling locations. The races will be selected by lot until the required number of races is selected. Categories of contested races shall be drawn in the following order until the required number of contested races is reached: presidential elector, statewide candidate, statewide ballot measure, federal candidate, and state legislative candidate. Document any selected race(s) in Section C of the Master Precinct and Race Selection Worksheet.
- If a selected candidate race does not have a contested race in each of the selected precincts/polling locations, only the precincts/polling locations where there is a contested candidate race shall be hand counted for that race. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total difference falls within the designated margin.
6. **The races selected for the precinct hand count shall be the same used for the early ballot hand count.** Because the batches used for the early ballot hand count do not correspond to the precincts/polling locations selected for the precinct hand count, the names of candidates for the selected races may differ among the various early ballot

batches selected for the audit. The machine counts of the races in such categories shall be added together and measured against the hand counts of the races in those categories to determine if the total difference falls within the designated margin.

7. **Create Hand Count Board Worksheets.** The officer in charge of elections shall create a Hand Count Board Worksheet for each Hand Count Board. The worksheet documents the members of the Hand Count Board and what races they will be hand counting.

B. Selecting Races for a PPE

The following process shall be used to select the races to be hand counted for a PPE:

1. **Determine Selection Order.** Select by lot the order in which the county political party chairpersons (or designees) shall choose from the pool of available precincts.
2. **Create Lot of Polling Locations.** Create a lot of available polling locations. A county may consolidate precincts in a PPE. Only actual polling locations will be placed in the lot of available polling locations.
3. **Select Precincts.** Draw the required 2% or two polling locations to be counted among a lot containing every actual polling location for the PPE.
4. **Record Precincts.** The officer in charge of elections shall record the polling locations to be hand counted in Section A of the Master Precinct and Race Selection Worksheet.
5. **Create Lot of Contested Races.** Create a lot of the contested races available for the PPE. Each political party that is participating in the PPE will count as a contested race.
6. **Select Race(s).** If there are four contested races or less, all possible races will be hand counted. If there are more than four contested races, the county political party chairperson (or designee) who is next (from Step 1), shall choose a contested PPE race to be hand counted. The political party chairpersons (or designees) will alternate until four contested races are selected.
7. **Record Race.** The officer in charge of elections shall record the PPE race(s) to be hand counted in Section B of the Master Precinct and Race Selection Worksheet.

[A.R.S. § 16-602\(B\)\(3\).](#)

VII. HAND COUNT TABULATING METHODS

There are two approved methods of hand counting votes:

- Stacking method: used for hand counting optical/digital scan ballots; and
- Three-person call-out method: used for hand counting votes from the VVPAT of an accessible voting machine.

For either method, each judge shall be given a tally sheet that shall be marked with the precinct/polling location, the race, and the names of the candidates for that particular race. *See Sample Hand Count Tally Sheet in Chapter 17.*

A. Stacking Method for Optical/Digital Scan Ballots

The stacking method is used for hand counting optical/digital scan ballots, and may also be used to hand count paper ballots printed by accessible ballot marking devices. For the stacking method, the inspector picks up each ballot and sorts the ballots into piles with the assistance of the other two board members (the judges) and tallies the number of votes for each candidate in the particular race using the process below.

- **Processing Ballots with Write-In Votes**

1. Since write-in votes may not have been tabulated yet, it is very important to keep ballots with write-in votes segregated from ballots without write-in votes. To do so, the first judge counts the total number of ballots with write-in votes. The second judge shall recount the total number of ballots with write-in votes. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
 - Ballots with write-in votes may be marked with yellow highlighter to enable them to be readily segregated from other ballots after the hand count of the batch is complete.
2. The inspector shall announce the specific race to be counted, identify that race on the ballot, and separate out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.
3. The inspector shall announce the first candidate/selection listed in the race and begin the **stacking process** for that candidate/selection:
 - The inspector shall hold up the ballots one at a time and declare the voter's choice for the specific candidate/selection in the race. All ballots with a vote for that candidate/selection shall be placed in one stack (the "yes" stack) and all ballots with a vote for any other candidate/selection in the race shall be placed in a separate stack (the "no" or "other" stack). The judges shall view each ballot and ensure that the inspector is placing the ballot in the right stack.
 - After the sorting process is complete, one judge shall count each pile in stacks of ten or 25 (or another agreed-upon pre-determined number) and then the other judge shall recount each stack. The inspector shall enter the number of ballots in each stack onto the Hand Count Tally Sheet.
 - The inspector shall move the "yes" stack aside, perform the stacking process for the next candidate/selection in the race using the ballots in the "no" or "other" stack, and repeat until done recording totals for all candidates/selections on the Hand Count Tally Sheet.
 - If the race being counted is for multiple seats (*e.g.*, vote for two), it will be necessary to go through entire set of ballots for each candidate, without the option of setting aside the "yes" stack as described in the prior step.
 - If there is any question about the intent of the voter, the determination of voter intent must be made by unanimous consent of all three Hand Count Board members using the standards established in Chapter 11, Section IX. If a

unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter's intent. A notation of the final decision shall be logged on the tally sheet and the inspector shall place the ballot into the proper stack for counting.

4. After completing the stacking process, the inspector shall place the ballots with write-in votes back in the write-in envelope and keep those ballots separated from the regular ballots.

- **Processing Regular Ballots**

1. The first judge shall count the total number of regular ballots. The second judge shall recount the total number of regular ballots. If the totals from both judges match, the result shall be documented in the Hand Count Tally Sheet.
2. The inspector announces the specific race to be counted, identifies that race on the ballot, and separates out ballots with over-votes or no selection for that race. The two judges shall confirm that the inspector performs this step correctly.
3. The inspector announces the first candidate/selection listed in the race and begins the **stacking process** for that candidate/selection, using the same procedure described above for ballots with write-in votes.
4. After completing the stacking process, the inspector shall place the regular ballots back in the regular ballot envelope and keep those ballots separated from the ballots with write-in votes.

B. Three-Person Call-Out Method for Ballots Cast on Accessible Voting Devices that Independently Tabulate Votes

The three-person call method may be used when hand counting votes from an accessible voting machine that independently tabulates votes, including the VVPAT (*see* Section VII(C) below).

1. The inspector shall take the ballots one at a time. On each ballot, the inspector shall find the races that were selected to be hand counted and announce the races one at a time. The judges will find the race on the proper "DRE Hand Count Tally Sheet." The inspector shall then announce the name of the candidate that the voter marked on the ballot for that race or, if a ballot measure, the voter's selection for the measure.
 - The determination of voter intent must be made by unanimous consent of all three Hand Count Board members, using the standards established in Chapter 11, Section IX. If a unanimous decision cannot be reached by the Hand Count Board, the officer in charge of elections shall make the final decision regarding the voter's intent. A notation of the final decision shall be logged on the tally sheet.
2. The judges shall place a tick mark by the voted candidate's name on the tally sheet. After processing each batch of 25 ballots, the judges shall compare the number of tick marks with each other. If the results from both judges match, the judges shall cross through the remaining numbers in the row. If the results do not match, the Hand

Count Board shall recount the batch of 25 ballots until the results from both judges match.

3. Upon completion of the hand count, the judges shall sign the final “Hand Count Cumulative Sheet.”

C. Process for Hand Counting Accessible Voting Audit Tapes

The Hand Count Board, under the direction of the officer in charge of elections, shall:

1. Unroll the VVPAT generated by the accessible voting device and verify the precinct.
2. Mark through all the voided or spoiled votes cast with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
3. Mark through all provisional votes with a red pen/pencil in a manner that is visually distinguishable but does not interfere with the ability to read the paper.
4. Ensure that the voided or spoiled and provisional votes are not counted.
5. If the paper roll is unable to be read for any reason, a new precinct shall be selected for the precinct hand count in accordance with Section VIII of this Chapter. If no other precinct/polling location is available for selection, the unreadable ballots shall be read using the printed version of the electronic ballots as generated by the accessible voting device. The officer in charge of elections shall make the determination of whether a paper roll is readable.
6. Utilize the Three-Person Call Tabulating Method.
7. If multiple accessible voting devices were used in the precinct or for early voting, repeat the process above for each paper roll generated by the Accessible Voting Devices.
8. Record results on the Accessible Voting Device Hand Count Tally Sheet.

VIII. PROCEDURES FOR CONDUCTING THE HAND COUNT

The officer in charge of elections must commence the hand count with a public announcement and explanation of the procedure. The hand count must begin within 24 hours after the polls close on Election Day and must be completed before the county canvass. [A.R.S. § 16-602\(I\)](#). The start of the hand count can be defined as the official training of the Hand Count Board members, selection of the precincts and races, coordinating the hand count with the party leaders, or any other activity that furthers the progress of the hand count for that election.

Hand count board members shall not bring cellular phones, other electronic devices, or pens with black or blue ink into the official hand counting area.

Throughout the hand count, the officer in charge of elections must retain custody and control of all hand counted ballots. [A.R.S. § 16-602\(H\)](#).

A. Precinct Hand Count

1. Precinct Hand Count Process

The initial precinct hand count must be conducted according to the following procedure for each race selected for the hand count.

1. The officer in charge of elections: (i) ensures each board is properly assembled and has been provided all necessary forms and supplies; (ii) apportions ballots to the Hand Count Boards; and (iii) announces which specific race will be hand counted. The boards are not provided with the electronically-tabulated results for any race at this time.
2. The inspector or one of the judges fills out a **Hand Audit Tally Sheet** (*see* sample forms in Chapter 17) for each race to be hand counted.⁴⁵ The inspector signs each Hand Audit Tally Sheet. All Hand Audit Tally Sheets from the precinct hand count shall be provided to the officer in charge of elections after completion.
 - Each judge shall fill out the top of the Hand Audit Tally Sheet, listing the precinct/polling location name, precinct/polling location number, inspector name and their name as the judge. Each judge shall also check the box for the proper election type.
 - For a candidate race, list each candidate's name on a separate counting line of the Hand Audit Tally Sheet. For ballot measures, list "Yes" on the first counting line and "No" on the second counting line.
3. For optical/digital scan ballots, the Hand Count Board shall separate ballots with write-in votes from the other precinct/polling location ballots and hand count each group of ballots using the stacking method described in Section VII(A) above. For ballots cast on accessible voting devices that independently tabulates votes and VVPATs, the Hand Count Board shall conduct the hand count using the three-person call-out method, *see* Sections VII(B)-(C) above.
4. The Hand Count Board shall list the totals for each candidate on the appropriate Hand Audit Tally Sheet. Each precinct/polling location shall have one Hand Audit Tally Sheet for the optical/digital scan ballots and one for the accessible voting devices, unless the accessible voting device produces a paper ballot read by a tabulation unit and those paper ballots were hand counted using the stacking method. At this point, the hand count results for the batch is compared to the machine count results and the Auditor initials the Hand Count Tally Sheet to indicate that there are no discrepancies in the batch totals.
5. The officer in charge of elections shall create a Precinct Hand Count Margin Worksheet (*see* sample form in Chapter 17) for each race that was hand counted and calculate the hand count margin using the Precinct Hand Count Margin Worksheet and following the steps below in the presence of the county political party chairpersons (or designees):

⁴⁵ *See* Sample Count Tally Sheet – Stacking Method, and Hand Count Tally Sheet – Three-Person Call Out Method, in Chapter 17.

- **Fill out Top of Form.** Fill out the date of the election. Circle the proper election (general, special, primary, or PPE). State the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (*e.g.*, State Senator, Corporation Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand count).
 - **Enter Hand Count Totals.** For each precinct/polling location that was hand counted, enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
 - **Enter Machine Count Totals.** For each precinct/polling location that was hand counted, enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.
 - **Calculate Absolute Difference.** For each candidate's total or ballot measure yes/no total, calculate the absolute difference between the hand count and the machine count. The absolute difference is the difference between the two numbers listed as a positive value (*e.g.*, [100 – 99] or [99 – 100] will both have an absolute value of one). The total absolute value for each precinct/machine type shall be calculated and noted in the worksheet.
 - **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the “Grand Total Machine Count.” Add up all the absolute differences for a particular race category to calculate the “Grand Total Absolute Difference.”
 - **Calculate Hand Count Margin.** Divide the “Grand Total Absolute Difference” by the “Grand Total Machine Count” and multiply the result by 100 to calculate the margin in a percentage form.
6. Compare the hand count margin for each race to the designated margin established by the Vote Count Verification Committee to determine if it is in the acceptable range or if a second or expanded precinct hand count is required. The applicable designated margin is available on the Secretary of State's website at <https://www.azsos.gov/elections/voting-election/voting-equipment>.
 7. If the calculated margin for the specific race from the Precinct Hand Count Margin Worksheet is less than the designated margin for the precinct hand count established by the Vote Count Verification Committee, the precinct hand count will be deemed concluded and the results of the electronic tabulation will constitute the official count for

that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and two members, one of each political party from each Hand Count Board present, shall sign the sheet.

2. Second Precinct Hand Count

If any hand counted race results in a calculated margin that is equal to or greater than the designated margin for the precinct hand count, a second precinct hand count of that race and of those same ballots shall be performed. A new Precinct Hand Count Margin Worksheet shall be created for the second precinct hand count for the race in question.

If the second precinct hand count results in a calculated margin that is less than the designated margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and a representative from each political party present shall sign the sheet. [A.R.S. § 16-602\(C\)](#).

3. Expanded Precinct Hand Count

If the second precinct hand count results in a margin that is equal to or greater than the designated margin, the precinct hand count shall be expanded to include a total of twice the original number of randomly selected precincts/polling locations. Those additional precincts/polling locations (equal to the original number of randomly selected precincts/polling locations, so that the total number of ballots hand counted is twice the original number) shall be selected in accordance with the process set forth in Section IV. If the remaining number of precincts/polling locations for a race is less than the original number of precincts/polling locations selected for the first hand count, then the total remaining precincts/polling locations shall be included in the expanded hand count. [A.R.S. § 16-602\(C\)](#). A new Precinct Hand Count Margin Worksheet shall be created for the expanded Precinct Hand Count race in question.

If the calculated margin for the expanded precinct hand count (as calculated based on the results of the original hand count plus the expanded hand count) is less than the designated precinct hand count margin, the precinct hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. The officer in charge of elections shall indicate on the Hand Count Cumulative Sheet that the count is complete and a representative from each political party present shall sign the sheet. [ARS § 16-602\(E\)](#).

4. Full Precinct Hand Count

If the expanded precinct hand count results in a calculated margin that is equal to or greater than the designated precinct hand count margin, the precinct hand count shall be extended to include the entire jurisdiction for that race. If the jurisdictional boundary for that race includes any portion of more than one county, the full precinct hand count shall not be extended into the precincts/polling locations that are outside of the county that is conducting the full precinct hand count. A new Precinct Hand Count Margin Worksheet shall be created for the full precinct hand count race.

If necessary, the officer in charge of elections may work with the county political party chairpersons (or designees) to select additional Hand Count Board members using the same selection procedure for the initial Hand Count Board members.

The full hand count must be repeated for a particular race until the results of a full hand count are identical to the results of another full hand count for that race. When an identical hand count result is achieved, the hand count (not the electronic tabulation) constitutes the official result for the race in that county. The precinct hand count totals shall be added to the total count of early ballots, provisional ballots, conditional provisional ballots, and write-in votes to determine the final count and the officer in charge of elections shall report that final count to the Secretary of State. [A.R.S. § 16-602\(D\)](#).

B. Early Ballot Hand Count

The early ballot hand count is a hand count of a percentage of early ballots actually voted. The number of early ballots to be counted is 1% of the total number of early ballots cast or 5,000 early ballots, whichever is less. Each machine used for early ballot tabulation shall have at least one batch included in the early ballot hand count, and batch sizes may not exceed 400 ballots. [A.R.S. § 16-602\(F\)](#).

1. Early Ballot Hand Count Process

The selected early ballots shall be hand counted according to the following procedure for each race selected for the early ballot hand count.

1. Prior to beginning the tabulation of early ballots, the officer in charge of elections shall determine the total number of early ballots sent for the election. From this number the officer in charge of elections shall calculate a number that equals 1% of the number or 5,000, whichever is less. Because the number of early ballots voted (including in-person early voting) will generally be lower than the number of early ballots sent, this calculation should yield a number of ballots that meets or exceeds the number of early ballots required to be hand counted.
2. The officer in charge of elections shall then determine the number and size of the batches. The number of batches must be enough to include at least one batch per machine used for early ballot tabulation. That number must then be doubled to account for the possibility of an expansion from 1% to 2% of early ballots required to be hand counted. The batch size can be any amount up to 400 ballots. The size of the batch should start with the 1% number divided by the number of machines used for early ballot tabulation. The table below provides some examples.

	County A	County B	County C
Number of early ballots sent to voters	4,000	60,000	800,000
Number of machines used for early ballot tabulation	2	4	3
1% of early ballots sent to voters, or 5,000, whichever is less	40	600	5,000
2% of early ballots sent to voters, or 10,000, whichever is less (in case expansion is needed)	80	1,200	10,000
Size of Batches	20	150	400 (max)
Number of Batches Required to Meet 1%	$(40/20) = 2$	$(600/150) = 4$	$(5,000/400) = 13$
Number of Batches Required to Meet 2%	$(80/20) = 4$	$(1,200/150) = 8$	$(10,000/400) = 25$

3. After the completion of electronic tabulation of early ballots, the county political party chairpersons (or designees) will work with the officer in charge of elections to randomly select one or more batches of early ballots included in the initial tabulation. This includes at least one batch from each machine used to tabulate early ballots, and shall securely sequester those ballots, along with their unofficial tally reports, for use in the early ballot hand count.
 - Every precaution should be taken to ensure that no partial or complete tallies of the early election board be released or divulged before all precincts have reported or one hour after the closing of the polls on Election Day, whichever occurs first.

4. From the sequestered early ballots, the officer in charge of elections will randomly select the required number of early ballots with which to conduct a hand count of the same races that are being hand counted in the precinct hand count and create batches consisting of up to 400 ballots per batch. The total number of ballots divided into batches shall satisfy the total number of early ballots required to be hand counted. At least one batch shall be created from early ballots tabulated on each machine used for tabulating early ballots. The batches may be selected from any presorted early ballot returns from Step 3 above. The batches used for the early ballot hand count need not correspond to the precincts/polling locations selected for the precinct hand count. The names of the candidates may vary among the batches if necessary. The machine counts of the races in this category shall be added together and measured against the hand counts of the races in this category to determine if the total margin of difference falls within the designated margin.
5. If a county has an EMS that can produce sub-reports of results, then the officer in charge of elections will complete the steps necessary to create a batch report for each batch and print out the sub-report.
6. The ballots included in a batch, as well as the baseline and batch tally reports, will be clearly labeled and sequestered separate from any other ballots or batches. The machine that the batches of early ballots were counted on shall be identified and listed with the batch. Each batch may include a stack of regular ballots and a stack of ballots with write-in votes.
7. This process shall continue until a sufficient number of batches have been created.
8. On Election Day, the officer in charge of elections shall calculate the exact number of early ballots tallied up to that point in time. From this number, the officer in charge of elections shall calculate a number equaling 1% of the total early ballots. This shall serve as the number of ballots to audit.
9. The political party chairpersons shall randomly select one or more batches until enough ballots have been selected to equal the number of ballots to audit.
10. If needed, for each race selected for audit, the officer in charge of elections shall calculate the electronic total for the race by subtracting the batch tally total for that race from the baseline tally total for that race. This shall be done for all selected batches. All races selected for the precinct hand count shall also be hand counted in the early ballot hand count. For the early ballot hand count, the races shall be listed in Section C of the Master Precinct and Race Selection Worksheet.
11. A Hand Count Tally Sheet shall be created for each possible contested race listed on the Master List of All Contested Races.
12. The Hand Count Board members shall then perform a hand count of the optical/digital scan ballots using the stacking method. If accessible voting devices that independently tabulate votes are used for early voting, then at least one batch from each accessible voting device shall be included in the early ballot hand count and hand counted using the three-person call-out method.

13. The officer in charge of elections shall add all hand count results together for each race, including any accessible voting device results, add all electronic results together for each race, including any accessible voting device, and calculate the margin of difference using the Early Ballot Hand Count Margin Worksheet as follows:

- **Fill out Top of Form.** Fill out the date of the election. Circle the proper election (general, special, primary, or PPE). State the race category that the worksheet is for (presidential elector, statewide candidate, statewide ballot, federal candidate, or state legislative candidate). List the specific race (*e.g.*, State Senator, Corporation Commission/Democrat). List the hand count round (1st hand count, 2nd hand count, expanded hand count or final hand count).
- **Enter Hand Count Totals.** Enter separately the hand count totals for the optical/digital scan ballots and the hand count totals for the accessible voting devices. These totals will come directly from the Hand Count Tally Sheets. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of hand counted votes shall be calculated and noted in the worksheet.
- **Enter Machine Count Totals.** Enter separately the machine totals for the optical/digital scan ballots and the machine totals for the accessible voting devices. These totals will come directly from Election Management Systems. Each candidate's counts or yes/no counts for ballot measures from the Hand Count Tally Sheet must be listed in the table. The total number of machine counted votes shall be calculated and noted in the worksheet.
- **Calculate Absolute Difference.** For each candidate's total or ballot measure yes/no total, calculate the absolute difference between the hand count and the machine count. The absolute difference is the difference between the two numbers listed as a positive value (*e.g.*, [100 – 99] or [99 – 100] will both have an absolute value of one).
- **Calculate Grand Totals.** Add up all the machine count totals for a particular race category to calculate the "Grand Total Machine Count." Add up all the absolute differences for a particular race category to calculate the "Grand Total Absolute Difference."
- **Calculate Hand Count Margin.** Divide the "Grand Total Absolute Difference" by the "Grand Total Machine Count" and multiply the result by 100 to calculate the margin in a percentage form.

If the margin of difference between the manual count of early ballots compared to the electronic tabulation of those ballots is less than the designated early ballot hand count margin, the electronic tabulation shall be the official count of the race and included in the canvass. No further hand count of the early ballots shall be conducted. The officer in charge of elections or Hand Count Board shall mark off and sign the Early Ballot Hand Count Margin Worksheet as completed. [A.R.S. § 16-602\(F\)](#).

2. Second Early Ballot Hand Count

If the margin of difference is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall repeat the hand count of the same early ballots for that race.

If the second early ballot hand count results in a margin that is less than the designated margin, the early ballot hand count will be concluded and the results of the electronic tabulation will constitute the official count for that race. No further hand count of the early ballots shall be conducted. The Hand Count Board shall mark off the chart as completed and two members, one of each political party, from each Hand Count Board present shall sign the chart. [A.R.S. § 16-602\(F\)](#).

3. Expanded Early Ballot Hand Count

If the margin is equal to or greater than the designated early ballot hand count margin for any race, the Hand Count Board shall conduct an expanded early ballot hand count for that race, to include a number of additional early ballots equal to 1% of the total early ballots cast or an additional 5,000 ballots, whichever is less, to be randomly selected from the batch or batches of sequestered early ballots. The Hand Count Board shall hand count the additional early ballots using the steps spelled out in Section VIII(B)(1) above. [A.R.S. § 16-602\(F\)](#).

To calculate the hand count margin for the expanded early ballot hand count, add the first and expanded electronic count and add the first and expanded hand count together and then calculate the margin using the equation in Step 13 in Section VIII(B)(1) above.

If the expanded early ballot audit results in a difference for that race that is equal to or greater than the designated early ballot hand count margin, the manual counts shall be repeated for that race until a manual count results in a margin that is less than the designated margin.

All results shall be documented in writing and signed by the officer in charge of elections and all county political party chairpersons (or designees) present. The officer in charge of elections shall label the ballots used for the early ballot hand count and preserve them separately. [A.R.S. § 16-602\(F\)](#).

C. Review of Election Program by a Special Master

If a full jurisdiction-wide hand count was necessary, the Secretary of State must make available the escrowed election program source code for that county's election equipment to the superior court for that county. The superior court for that county must then appoint a special master to review the election program.

The special master must:

1. Have expertise in software engineering;
2. Not be affiliated with an election equipment or software vendor;

3. Not be affiliated with a candidate who appeared on the ballot in that county;
4. Be bound by a signed nondisclosure agreement with respect to the contents of the election program.

The special master must prepare a public report to the superior court and to the Secretary of State with his or her findings on any discrepancies found in the election program.

The Secretary of State's Election Equipment Certification Committee must review this report when considering the continued certification of that election equipment and software. [A.R.S. § 16-602\(J\)](#).

IX. STANDARD FOR DETERMINING VOTER INTENT IN HAND COUNT

Hand Count Board members must determine the voter's intent according to the following standards:

1. If the voter voted for more than the allowed number of selections for a particular race, the ballot may not be included in the hand count.
2. If the voter did not select any choice for a particular race, then no vote is counted for any candidate, or for or against any ballot measure for that race.
3. If the voter clearly and unambiguously indicated his or her intended vote choice on the face of the ballot in a manner consistently used throughout the rest of the ballot but the vote choice was nonetheless unreadable by the electronic tabulating equipment, either due to the voter marking the ballot using an improper method or for other reasons, the Hand Count Board must include this ballot in the hand count. This type of ballot likely would have been duplicated prior to being tabulated.
 - If the voter properly marked the ballot (for example, filled in the oval or connected the arrow) but the ballot face includes other extraneous marks, the extraneous marks should be disregarded and the Hand Count Board must consider the properly marked vote choice as the voter's intended selection.
4. If the voter attempted to erase or undo his or her original vote choice, the Hand Count Board must determine which mark is clearest and count it as the proper vote choice.
5. If the voter marked the ballot using an improper method (for example, circling a vote choice rather than filling an oval) such that the selections were unreadable by the electronic voting equipment, but the markings indicate the clear and unambiguous intent of the voter and the improper method is consistently used throughout the rest of the ballot, the Hand Count Board must include the voter's selections in the hand count. Even if a ballot is slightly defaced or soiled, the Hand Count Board must include the ballot in the hand count.

The Hand Count Board members must reach a unanimous decision as to voter intent. If the Hand Count Board members are unable to reach a unanimous decision in a particular race, the officer in charge of elections must make the final determination of voter intent. [A.R.S. § 16-602\(G\)](#).

X. HAND COUNT OF RECOUNTED ELECTIONS

A precinct hand count audit must also be conducted following a court-ordered recount pursuant to [A.R.S. § 16-661](#) through [A.R.S. § 16-663\(B\)](#). This means any ballots that have been electronically re-tabulated for purposes of a recount are treated as if a new election took place and therefore are again subject to hand count audit requirements.

The same procedures for a precinct hand count shall be followed except that the officer in charge of elections and the political parties must conduct a hand count of at least 5% of precincts for the recounted race. [A.R.S. § 16-663\(B\)](#). In counties that conduct vote center-based elections, the officer in charge of elections and the political parties must conduct a hand count of at least 2% of the total number of ballots that were subject to the recount.

XI. REPORTING RESULTS OF THE HAND COUNT

Within two business days of the completion of the precinct hand count and early voting hand count, and prior to the county canvass, the officer in charge of elections must electronically submit a report to the Secretary of State that includes the following information:

- Dates of the precinct and early ballot hand counts;
- Precincts or vote centers selected for the precinct hand count;
- Races selected;
- Summary of the results by precinct/voting location and race for both the electronically tabulated vote totals and the hand counted totals; and
- The margins from the hand count when compared to the electronically tabulated results.

The Secretary of State must post the results on the Secretary of State's website. [A.R.S. § 16-602\(I\)](#).

CHAPTER 12: OTHER POST-ELECTION DAY PROCEDURES

I. REPORTING ELECTION RESULTS

The officer in charge of elections may publicly release election results at the earlier of:

- The time when all ballots cast on Election Day at voting locations have been tabulated and publicly reported; or
- One hour after all polls under the jurisdiction of the officer in charge of elections have closed on Election Day.

Polls presumptively close at 7:00 p.m. on Election Day unless extended by court order. [A.R.S. § 16-551\(C\)](#); [A.R.S. § 16-565\(A\)](#).

For elections involving a federal, statewide, or legislative candidate race or a statewide ballot measure, the officer in charge of elections must promptly transmit those election results to the Secretary of State, prior to or immediately after making those results public. For the initial transmission of election results on Election Day, and as additional results are tabulated prior to the county canvass, the officer in charge of elections must transmit election results to the Secretary of State in the required electronic format using an application specified by the Secretary of State. [A.R.S. § 16-622\(B\)](#).

II. CONDUCTING POST-ELECTION LOGIC & ACCURACY TEST

A post-election logic and accuracy (L&A) test must be performed by the officer in charge of elections after the official count has been completed but before the county canvass.

The post-election L&A test must be performed using the same election program and voting equipment used for the pre-election L&A test and the election. The same test ballots and test script from the pre-election L&A test must be utilized.

The post-election L&A test should generate the same results as the pre-election L&A test. If the post-election L&A test does not yield the same results, the officer in charge of elections should visually assess the test ballots and/or voting equipment for errors or malfunctions. If the problem still cannot be resolved, the officer in charge of elections should contact the Secretary of State and/or the County Attorney for further assistance.

III. FILING FEDERAL POST-ELECTION REPORTS

A. Election Assistance Commission Reporting

Within 90 days after a federal general election (or any later date established by the federal Election Assistance Commission (EAC)), the Secretary of State must submit a comprehensive post-election report to the EAC in accordance with the format prescribed by the EAC. The report must be prepared in conjunction with, and based on data from, County Recorders and/or the other officers in charge of elections. [A.R.S. § 16-142\(B\)](#).

B. Department of Justice UOCAVA Reporting

At the request of the United States Department of Justice, the Secretary of State must report the following information following a federal election:

- The number of UOCAVA ballots requested for the election;
- The number of UOCAVA ballots timely transmitted; and
- The number of UOCAVA ballots that were not timely transmitted.

If the County Recorder believes that UOCAVA ballots will be transmitted late, the County Recorder should notify the Secretary of State as soon as practicable.

County Recorders must provide the required data to the Secretary of State in order to meet the federal reporting requirements.

IV. POST-ELECTION REIMBURSEMENT REQUESTS

A. Reimbursement for Conducting Local Election

Within 90 days after conducting an election on behalf of a local jurisdiction, the County Recorder or other officer in charge of elections must prepare an accounting report which itemizes all expenditures incurred by the county in administering the election. The report must include the specific charges for each local jurisdiction which participated in the election. Local jurisdictions that participated in the election may request and receive a copy of the report. [A.R.S. § 16-205\(D\)](#).

B. Reimbursement for PPE Expenses

Within 90 days after a PPE, the County Recorder or other officer in charge of elections should submit a proper claim to the Secretary of State for reimbursement of expenses incurred in conducting the election. The claim must include the number of registered voters in the county as of January 2 of the PPE year.

If the Arizona Legislature has appropriated monies to the Secretary of State to conduct the PPE, the Secretary of State must reimburse each county that submitted a claim at a rate of \$1.25 per active registered voter in the county as of January 2. [A.R.S. § 16-250\(B\)](#).⁴⁶

Assuming the Arizona Legislature has appropriated monies, the Secretary of State may reimburse a county at a rate greater than \$1.25 per active registered voter, in the Secretary of State's discretion, if the County Recorder or other officer in charge of elections: (1) submitted a proper claim that outlined the county's actual expenses to conduct the PPE; and (2) demonstrates that reimbursement at the statutory rate would significantly jeopardize the county's ability to comply with federal and state law. [A.R.S. § 16-250\(B\)](#).

C. Reimbursement for Sample Ballots

The Board of Supervisors or officer in charge of elections shall seek reimbursement from the Secretary of State for each sample ballot mailed to a county household. The Board of Supervisors or officer must present a certified claim that specifies the actual cost for printing, labeling and postage, along with supporting documentation. [A.R.S. § 16-510\(C\)](#).

⁴⁶ Although [A.R.S. § 16-250\(B\)](#) specifies that reimbursement for the PPE must be based on the number of active registered voters as of "January 1" of the year of the PPE, the 54th Legislature, First Regular Session, via Senate Bill 1154, amended [A.R.S. § 16-168\(G\)](#) to require County Recorders to report voter registration statistics as of January 2 each year, rather than January 1. Accordingly, January 2 is used in lieu of January 1 here.

CHAPTER 13: CERTIFYING ELECTION RESULTS

I. DETERMINING ELECTION RESULTS

In a partisan primary election:

- The candidate who receives the largest number of votes must be declared the party nominee for that office and issued a certificate of nomination by the Board of Supervisors (or designee).
 - If more than one candidate may be nominated, the candidates who receive the largest number of votes will be declared nominees and issued certificates of nomination in accordance with the number to be nominated. Nomination entitles the candidate to be placed on the general election ballot.

[A.R.S. § 16-645\(A\), \(F\).](#)

- In order for a write-in candidate to become the nominee of a party with continued representation on the ballot, the candidate:
 - Must receive the largest number of votes; and
 - Must receive at least as many votes as the number of nomination petition signatures required to appear on the primary election ballot for that office.

At the general election:

- Unless otherwise specified in law, the candidate who receives the largest number of votes must be declared elected to that office and issued a certificate of election by the Board of Supervisors (or designee), [A.R.S. § 16-647](#); [A.R.S. § 16-650](#); and
- A ballot measure that is approved by a majority of votes cast for the measure will be declared to be law, [Ariz. Const. Art. IV, Pt. 1, § 1\(13\)](#).
 - If two or more conflicting measures (in whole or in part) are approved by voters at the same election, the measure with the most votes will prevail with respect to any provisions that are in conflict. [Ariz. Const. Art. IV, Pt. 1, § 1\(12\)](#).
 - Upon completion of the canvass by the Secretary of State, the Governor will issue a proclamation of the votes cast for and against any constitutional amendments, initiatives, and referenda, and declaring those approved by a majority to be law. [A.R.S. § 16-651](#).

[A.R.S. § 16-649](#) specifies the result of the election in the event of a tie.

II. CANVASSING THE ELECTION

The governing body conducting an election must meet and canvass the election results of each precinct or election district. The purpose of the canvass is to officially certify the election. The canvass includes vote totals for all races tabulated by voting equipment (including early ballots, regular ballots, and provisional ballots) and write-in votes.

A canvass must be conducted by the statutory deadline, but should not be conducted until all necessary audits have been completed to verify the accuracy and integrity of the election results.

A. County Board of Supervisors Canvassing Duties

A Board of Supervisors must canvass the official election results in a public meeting. The official election results must include the following information:

1. A Statement of Votes Cast, which includes:
 - The number of ballots cast in each precinct and in the county;
 - The number of ballots rejected in each precinct and in the county;
 - The titles of the offices up for election and the names of the persons (along with the party designation, if any, of each person) running to fill those offices;
 - The number of votes for each candidate by precinct and in the county;
 - The number and a brief title of each ballot measure; and
 - The number of votes for and against each ballot measure by precinct and in the county.
2. A cumulative Official Final Report, which includes:
 - The total number of precincts;
 - The total number of ballots cast;
 - The total number of registered voters eligible for the election;
 - The number of votes for each candidate by district or division, including a designation showing which candidate received the highest number of votes;
 - In a PPE, the number of votes for each candidate by congressional district;
 - In a primary election, the report must contain the party designation for each office; whereas in a general election, the report must contain the party designation for each candidate;
 - The number of votes for and against each ballot measure by district, including a designation which choice received the highest number of votes;
 - The total number of votes in each district or division;
3. A Write-Ins Vote Report, which includes the name and number of votes for each authorized write-in candidate by precinct.

1. Deadline to Canvass Results

The Board of Supervisors should canvass the election results only after all necessary audits have been performed and any discrepancies have been addressed by the County Recorder or other officer in charge of elections.

Assuming all prerequisites have been met, the Board of Supervisors must canvass the election by the required deadline, which varies by type of election.

- For primary elections and presidential preference elections, the Board of Supervisors must canvass the results within ten days after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#).
- For all other elections held on a consolidated election date (including general elections), the Board of Supervisors must canvass between six and 20 days after the election. [A.R.S. § 16-642\(A\)](#).
- For special elections, the Board of Supervisors must canvass the election according to the deadline established in the order calling the election.

2. Scope of Duty to Canvass

The Board of Supervisors may postpone the canvass on a day-to-day basis if the results from any precinct are missing. [A.R.S. § 16-642\(C\)](#). If precinct results are still missing after six postponements, the Board of Supervisors must canvass the remaining election results. [A.R.S. § 16-642\(C\)](#).

The Board of Supervisors has a non-discretionary duty to canvass the returns as provided by the County Recorder or other officer in charge of elections and has no authority to change vote totals or reject the election results.

3. Preserving and Transmitting Canvass Results

Once the Board of Supervisors has certified the election results, the Official Final Report and Statement of Votes Cast from the canvass must be published on the website of the officer in charge of elections. An original signed canvass should be preserved as a permanent record by the Board of Supervisors.

For any elections that include a federal, statewide, or legislative office, or a statewide ballot measure, the Board of Supervisors or officer in charge of elections must transmit the official canvass to the Secretary of State (in an electronic format determined by the Secretary of State) within the applicable statutory deadline. [A.R.S. § 16-645\(B\)](#). In addition, a certified copy must be promptly mailed to the Secretary of State to be preserved as a permanent record.

If the county conducted an election on behalf of a local jurisdiction, the Board of Supervisors or officer in charge of elections should promptly transmit a copy of the official canvass to those jurisdictions as well.

4. Reports Included with County Canvass

a. Provisional Ballot Report

The County Recorder or other officer in charge of elections must submit a provisional ballot report to the Secretary of State with the primary and general election canvasses. The report must contain the following information about provisional ballots cast at that election:

- The number of voters in each precinct or vote center;
- The number of provisional ballots cast in each precinct or vote center;The number of provisional ballots verified/counted in each precinct or vote center;
- The number of provisional ballots not verified/counted in each precinct or vote center, along with the reason for not doing so;
- The number of conditional provisional ballots cast in each precinct or vote center; and
- The number of conditional provisional ballots verified/counted in each precinct or vote center.

b. Accessibility Report

The County Recorder or other officer in charge of elections must submit an accessibility report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

- The number of voting locations in the county;
- The number of voting locations that were fully handicap-accessible under the Americans With Disabilities Act (ADA);
- The number of voting locations that were not fully handicap-accessible under the ADA. If some locations were not fully handicap-accessible, the report must identify:
 - The address or description of the voting location;
 - The number of voters registered in the precinct(s) in question (if the county conducts polling place-assigned elections); and
 - The number of ballots cast at the voting location; and
- If some locations were not fully handicap-accessible prior to use on Election Day, the efforts undertaken prior to the election to either make the voting location fully accessible or identify an alternative location that was fully accessible.

c. Voter Education Report

The County Recorder or other officer in charge of elections must submit a voter education report to the Secretary of State with the general election canvass (which includes information from both

the primary and general election). The report must contain the following information about the recently conducted elections:

- The percentage of voter turnout;
- The number of early ballots requested;
- The number of early ballots cast;
- The number of early ballots that were verified and tabulated;
- The number of public service announcements about the election prior to the election, including during the 90-day period prior to election day, including a summary of media outreach (such as paid advertising, social media posts, public events, interviews, etc.);
- The number of seminars or community meetings which provided voter education, including:
 - A description of the event(s);
 - The estimated cost of the event(s); and
 - Summary of participation at the event(s);
- The number of locations where voter information was on public display, including the length of time this information was on display; and
- A comparison of all of the statistics referenced above with same statistics from the previous equivalent federal election.

d. Poll Worker Training Report

The County Recorder or other officer in charge of elections must submit a poll worker report to the Secretary of State with the general election canvass (which includes information from both the primary and general election). The report must contain the following information about the recently conducted elections:

- The number of poll workers trained;
- A description of the types of election board workers trained for each voting location, including:
 - The number of inspectors, marshals, judges, and clerks trained and assigned to each voting location;
 - The number of “premium” poll workers (if any) trained and assigned to each voting location or other area; and
 - The number of “troubleshooters” (if any) trained and assigned to each voting location or other area.
- The number of provisional ballots cast at each voting location; and
- The number of signature rosters or e-pollbooks used at each voting location.

e. Political Party Ballot Report

Concurrently with submitting its primary election canvass, the County Recorder or other officer in charge of elections must file a report with the Secretary of State that identifies the total number of partisan ballots, by party, selected by voters registered as no party preference, independent, or any political party not recognized for continued representation on the ballot. [A.R.S. § 16-645\(B\)](#).

B. Secretary of State's Canvassing Duties

The Secretary of State must canvass the results for any elections that include a federal, statewide, or legislative office, state appellate court judges, and statewide ballot measures.

1. Deadline to Canvass Results

For primary elections and presidential preference elections, the Secretary of State must canvass the results on or before the second Monday after the election. [A.R.S. § 16-241\(C\)](#); [A.R.S. § 16-645\(B\)](#). In the case of a PPE, the Secretary of State must promptly transmit the results to the state chairpersons of any political party that had candidates on the ballot.

For a general election, the Secretary of State must canvass the results on the fourth Monday following the election. [A.R.S. § 16-648\(A\)](#). The Secretary of State must conduct the general election canvass at a public meeting and in the presence of the Governor and Attorney General. [A.R.S. § 16-648\(A\)](#). If any statewide ballot measures appeared on the ballot, the Secretary of State must canvass the results in the presence of the Governor and Chief Justice of the Arizona Supreme Court. [A.R.S. § 16-648\(B\)](#).

2. Scope of Duty to Canvass

The Secretary of State may postpone the canvass on a day-to-day basis if the results from any county are missing. [A.R.S. § 16-648\(C\)](#). All counties must transmit their canvasses to the Secretary of State, and the Secretary of State must conduct the statewide canvass, no later than 30 days after the election. [A.R.S. § 16-648\(C\)](#).

The Secretary of State has a non-discretionary duty to canvass the returns as provided by the counties and has no authority to change vote totals or reject the election results.

3. Preserving and Transmitting Canvass Results

Once the Secretary of State has certified the election results, the official canvass (along with the official final precinct level results files from each county) must be published on the Secretary of State's website. An original signed canvass must be preserved as a permanent record.

Following a general election with at least one statewide ballot measure, the Secretary of State must promptly transmit the results of each ballot measure to the Governor. [A.R.S. § 16-648\(B\)](#).

Following an electoral college to select the President of the United States, the Secretary of State must transmit Certificates of Ascertainment and Certificates of Vote to the Archivist of the United States, President of the United States Senate, and the Chief Judge of the United States District Court for the District of Arizona by the deadline provided under federal law. See <https://www.archives.gov/federal-register/electoral-college/officials.html>.

C. City and Town Canvassing Duties

A city or town council must canvass the official election results of city or town elections in a public meeting. [A.R.S. § 16-403](#).

A certified copy of the official canvass must be filed with the city or town clerk, which must be preserved as a permanent record. [A.R.S. § 16-646\(D\)](#).

D. Special Taxing District Canvassing Duties

A special taxing district must canvass the official results for its elections in a public meeting and present the canvass results to the applicable Board of Supervisors at the Board's next regularly scheduled meeting. [A.R.S. § 16-642\(B\)](#).

For the purposes of an election contest pursuant to [A.R.S. § 16-673](#), the canvass is not complete until the special taxing district results have been presented to the Board of Supervisors. [A.R.S. § 16-642\(B\)](#). The clerk of the Board of Supervisors is responsible for maintaining and preserving the certified permanent copy of the official canvass. [A.R.S. § 16-646\(D\)](#).

E. County School Superintendent Canvassing Duties

Within 30 days following the date of any school election, the County School Superintendent must meet with the Chairman of the Board of Supervisors or designee to canvass the returns in accordance with procedures for the canvass of returns in a general election. [A.R.S. 15-426\(B\)](#); [A.R.S. § 15-302\(A\)\(8\)](#).

III. CONDUCTING AN AUTOMATIC RECOUNT

A. Vote Margins that Trigger Recount

A recount must be performed following a general, primary, or special election if the margin of votes, based on the official canvass, between the two candidates receiving the highest number of votes for a particular office, or the votes cast for and against a ballot measure, are equal to the lesser of:

- 1/10 of 1% or less of the total number of votes cast for the top two candidates or the ballot measure in question; or
- One of the following margins:

- 200 votes for statewide or federal office where the total number of votes cast exceeded 25,000;
- 200 votes for a ballot measure;
- 50 votes for statewide or federal office where the total number of votes cast was 25,000 or less;
- 50 votes for legislative office; or
- 10 votes for county, city or town office.

[A.R.S. § 16-661\(A\).](#)

The automatic recount requirements do not apply for the following offices:

- Precinct committeemen;
- School district or joint technical education district board member;
- Community college district board member;
- Special taxing district board member; or
- Presidential candidate in a PPE.

[A.R.S. § 16-249\(B\); A.R.S. § 16-661\(B\).](#)

B. Method of Initiating a Recount

If the official canvass demonstrates that a recount is required, the recount is automatically triggered but must be initiated by court order. [A.R.S. § 16-662.](#)

Promptly following the canvass, the applicable filing officer must:

- File a lawsuit in the appropriate superior court, citing to the applicable vote margin that triggered the automatic recount and including the canvass;
- Consult with the applicable officer(s) in charge of elections and estimate the time period it will take to recount the affected ballots; and
- Obtain a signed court order that initiates the recount and sets a court hearing to announce the results, and then distribute the order to the applicable officer(s) in charge of elections.

[A.R.S. § 16-662; A.R.S. § 16-663\(A\).](#) A third-party may not request a recount as a matter of right.

C. Method of Conducting the Recount

For any race other than the Secretary of State's race, the Secretary of State is responsible for ensuring that the electronic voting equipment to be used for the recount is available and properly programmed. Unless the Board of Supervisors race is subject to an automatic recount, the

Secretary of State may delegate this duty to the Board of Supervisors, who in turn may delegate this duty to the officer in charge of elections. If a Board of Supervisors race is subject to an automatic recount, the Secretary of State may directly delegate this responsibility to the officer(s) in charge of elections. [A.R.S. § 16-664\(A\)](#).

If the Secretary of State's race is the race to be recounted, the Governor is responsible for performing the oversight duties normally performed by the Secretary of State in a recount. [A.R.S. § 16-664\(B\)](#).

If the Secretary of State delegates oversight to the Board of Supervisors, ballots from the race to be recounted will be tabulated using the same electronic voting equipment that was used during the election, except the equipment must be reconfigured to only tabulate the race to be recounted. This reconfiguration constitutes a different "program" from the program used to initially tabulate votes. [A.R.S. § 16-664\(C\)](#).

Regardless of which electronic voting equipment is used for the recount, the equipment must be tested for logic & accuracy by the officer in charge of elections (and, in the case of a legislative, statewide, or federal office or statewide ballot measure, by the Secretary of State as well).

The recount must be conducted by running paper ballots from the applicable race through the designated electronic voting equipment. For votes that were cast on an accessible voting device that independently tabulates votes, the votes (as indicated by the voter verifiable paper audit trail) must be duplicated onto paper ballots, which thereafter must be tabulated by the electronic voting equipment reprogrammed for the recount.⁴⁷

While the recount is in progress, the officer(s) in charge of elections may not publicly release vote totals from the recount.

At the conclusion of the recount, the officer(s) in charge of elections must provide the official results to the filing officer who initiated the recount. Once the filing officer has collected all the recount results, the filing officer must appear at the scheduled court hearing and provide the sealed results to the court. The court must declare the winner in open court. The court announcement and/or order constitutes the official result for the recounted race, making it unnecessary to re-canvass the race.

In a candidate race, the prevailing candidate must be issued a Certificate of Nomination or Certificate of Election at the conclusion of the court proceedings by the Clerk of Board of Supervisors. [A.R.S. § 16-647](#).

⁴⁷ A recount conducted in accordance with this section is deemed to be "conducted in the accordance with the laws pertaining to contests of elections." [A.R.S. § 16-663\(A\)](#).

IV. ISSUING CERTIFICATES OF NOMINATION AND ELECTION

Upon completion of the applicable canvass, a city or town council (or designee) must promptly issue a Certificate of Nomination (following a primary or first election) or Certificate of Election (following a general or second election) to each candidate who received the highest number of votes for each office at the election.

Likewise, upon completion of the county's canvass, the Clerk of the Board of Supervisors must promptly issue a Certificate of Nomination (following a primary election) or Certificate of Election (following a general election) to each candidate who received the highest number of votes for the following offices:

- All county offices;
- Precinct committeemen;
- Community college district board member; and
- Special taxing district board member. [A.R.S. § 16-645\(A\)](#).

Certificates of election for school district board members must be issued by the county school superintendent following the applicable canvass. [A.R.S. § 15-426](#).

However, a certificate may not be issued under the following conditions:

- A Certificate of Nomination may not be issued to a write-in candidate, and that candidate may not advance to the general or run-off election if the write-in candidate did not receive a number of votes equivalent to at least the number of signatures required by [A.R.S. § 16-322](#) for nominating petitions for the same office; [A.R.S. § 9-821.01\(F\)](#);
- A Certificate of Nomination may not be issued to a write-in candidate from a political party recognized for continued representation who did not receive at least as many votes as the number of signatures required to appear on the primary election ballot pursuant to [A.R.S. § 16-645\(E\)](#);
- A Certificate of Nomination may not be issued to a write-in candidate from a political party not recognized for continued representation who did not receive a plurality of the votes of the party for the office for which he or she is candidate pursuant to [A.R.S. § 16-645\(D\)](#); and
- A Certificate of Election may not be issued to a write-in candidate for precinct committeemen or nonpartisan office who did not receive at least as many votes as the number of signatures required to appear on the ballot pursuant to [A.R.S. § 16-322\(A\)\(6\), \(8\)-\(10\)](#), [A.R.S. § 16-645\(C\)](#).

Following completion of the statewide canvass (and subject to the same exception for write-in candidates from a political party not recognized for continued representation), the Secretary of State must promptly issue a Certificate of Nomination or Certificate of Election to each legislative, statewide, and federal candidate who received the highest number of votes for each

office at the election. The Certificate of Election must be signed by the Secretary of State and authenticated with the Great Seal of the State of Arizona. [A.R.S. § 16-645\(B\)](#); [A.R.S. § 16-650](#).

V. ISSUING BALLOT MEASURE PROCLAMATIONS

At the conclusion of a statewide canvass that contains a ballot measure, the Governor must issue a proclamation that:

- Proclaims the number votes cast for and against each proposed constitutional amendment;
- Proclaims the number of votes cast for and against each proposed initiative or referendum; and
- Declares which measures were approved by a majority of those voting on the measures.

[A.R.S. § 16-651](#); [A.R.S. § 19-126\(A\)](#). If there are two or more conflicting measures approved at the same election, the Governor must proclaim which measure received the greatest number of affirmative votes. [A.R.S. § 19-126\(B\)](#).

For any approved measure, the Secretary of State must cause the measure to be printed with the general laws enacted by the next ensuing session of the Arizona Legislature, along with the date of the Governor's proclamation declaring the measure to be approved. [A.R.S. § 19-127\(B\)](#).

VI. STORAGE OF BALLOTS AND RETURNS OF THE ELECTION

After the county canvass is complete, the officer in charge of elections must seal the voted ballots and deliver these ballots and official returns to the County Treasurer (or a secure facility contracted by the County Treasurer) for secure storage. [A.R.S. § 16-624\(A\)](#). If voting equipment produces digital ballot images, the digital ballot images must be retained and preserved in the same manner. [A.R.S. § 16-625](#). Unused ballots are not subject to retention.

The County Treasurer must keep the ballots and official returns unopened and unaltered for a period of 24 months following an election for federal office and six months for all other elections. During these retention periods, ballots and official returns may only be opened pursuant to a court order (including for the purpose of a recount or election contest). In the absence of any recount or election contest, the Board of Supervisors or officer in charge of elections must dispose of the ballots and official returns after the applicable retention period without opening or examining the contents. [A.R.S. § 16-624\(A\), \(D\)](#).

If a county conducts an election on behalf of a local jurisdiction, the county officer in charge of elections may transfer the official returns to the local jurisdiction (which thereafter must be preserved by the local jurisdiction in lieu of the County Treasurer).

CHAPTER 14: REGULATION OF PETITION CIRCULATORS

Arizona law prescribes certain requirements for circulators and signers regarding the gathering of petition signatures. Failure to adhere to these requirements may result in petition signatures being invalidated. More information regarding the regulation and registration of circulators, including the Secretary of State's recommended best practices for circulating petition sheets, is available on the Secretary of State's website at www.azsos.gov/elections.

I. QUALIFICATIONS FOR PETITION CIRCULATORS

Any person who is qualified to register to vote in Arizona, or who would be qualified to register to vote in Arizona if he or she were an Arizona resident, may circulate petitions for a candidate, ballot measure, or political party recognition. [A.R.S. § 16-321\(D\)](#); [A.R.S. § 16-801\(A\)\(2\)](#); [A.R.S. § 19-114\(A\)](#).

Certain individuals are prohibited from circulating initiative, referendum, or recall petitions due to perceived conflict of interest. No County Recorder or Justice of the Peace may circulate petitions for an initiative, referendum, or recall. Any signatures gathered on petitions circulated by prohibited individuals are void. [A.R.S. § 19-114\(A\)](#); [A.R.S. § 19-205.02](#).

In addition, the following individuals may not circulate statewide initiative or referendum petitions:

- Those who have had a civil or criminal penalty imposed for a violation of Title 16 or Title 19 within the last five years;
- Those who have been convicted of treason or a felony and have not had their civil rights restored; and
- Those who have been convicted of any crime involving fraud, forgery, or identity theft.

[A.R.S. § 19-118\(D\)](#).

II. CIRCULATOR REGISTRATION AND DISCLOSURE REQUIREMENTS

A. Paid Circulators

A circulator may be paid or act as a volunteer.

- A volunteer circulator is an individual who does not receive any compensation for circulating petitions.
- A “paid circulator” is defined as an individual who receives compensation for circulating a statewide initiative or referendum petition, but does not include a paid employee of a

political committee unless that employee has or will obtain 200 or more signatures on a statewide initiative or referendum petition in an election cycle. [A.R.S. § 19-118\(I\)\(1\)-\(2\)](#).

- Statewide initiative and referendum petition circulators may not be paid based on the number of signatures collected. Signatures collected by circulators who are paid per-signature are void. [A.R.S. § 19-118.01](#).

Any paid circulator, whether a resident or non-resident of Arizona, is required to register with the Secretary of State prior to circulating a statewide initiative or referendum petition. Failure to do so invalidates any initiative or referendum petition signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 19-102\(E\)](#); [A.R.S. § 19-204\(D\)](#).

All initiative, referendum, and recall petition circulators, whether or not they are required to register with the Secretary of State, must indicate their paid or volunteer status by checking the appropriate box on each petition sheet prior to circulation. Failure to indicate on an initiative, referendum, or recall petition sheet whether the circulator is paid or acting as a volunteer invalidates any signatures collected on that petition sheet. [A.R.S. § 19-101\(C\)-\(D\)](#); [A.R.S. § 19-102\(C\)-\(E\)](#); [A.R.S. § 19-204\(C\)-\(D\)](#).

B. Non-Resident Circulators

Circulators who are not residents of Arizona must register with the Secretary of State prior to circulating: (i) a statewide initiative or referendum petition; or (ii) a candidate petition in any Arizona jurisdiction (statewide, county, city, or town). Failure to do so invalidates the signatures collected by the circulator prior to registration. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-321\(D\)](#).

A circulator who lists an out-of-state address on the back side of a petition sheet is deemed to be a non-resident circulator.

C. Circulator Registration Procedures

Circulators must satisfy the following requirements when registering with the Secretary of State:

- Provide his/her name, residential address, telephone number, and email address;
- Indicate which petition is being circulated, by serial number or candidate name;
- Consent to the jurisdiction of Arizona courts in resolving any disputes concerning the circulation of petitions by that circulator;
- Indicate the committee's address in Arizona (for statewide initiative or referendum petitions) or a designated address (for other petitions) at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions;
- Indicate the circulating organization at which he or she may be employed; and
- For circulators of statewide initiative or referendum petitions, provide a notarized affidavit declaring that the circulator is eligible to register, that all information contained in the registration is true and correct, and that the circulator has read and understands Arizona election laws applicable to the collection of signatures for a statewide initiative

or referendum. Exact language to be included in the affidavit can be found at [A.R.S. § 19-118\(B\)\(5\)](#).

[A.R.S. § 19-118\(B\)](#).

The Secretary of State's Office has no obligation to review the substance of circulator registrations to ensure that accurate or proper information has been provided. The circulator remains solely responsible for compliance with all legal provisions. While defects of this nature may be challenged in court, the Secretary of State does not have legal authority to invalidate petition sheets based on such allegations.

Circulator registration may be conducted as prescribed by the Secretary of State, including registration through an electronic portal. A circulator registration is not complete until the Secretary of State confirms the registration in writing. [A.R.S. § 19-118\(A\)](#); [A.R.S. § 16-452\(A\)](#).

1. Issuance of Circulator ID Number

Within five days after submission of a circulator registration application, the Secretary of State will assign a random circulator ID number to each such circulator. [A.R.S. § 19-118\(C\)](#). The circulator ID number is permanently assigned to the circulator and must be used for all petitions being circulated by that particular individual (regardless of the election cycle or which petition is being circulated).

The circulator ID number of registered circulators must be printed on the front and back of each statewide initiative or referendum petition sheet. [A.R.S. § 19-121\(A\)\(2\)](#); [A.R.S. § 19-121.01\(A\)\(1\)\(c\)](#). In contrast to the petition serial number, the circulator ID number may be placed on the petition sheet at any time prior to submitting the petition sheets to the Secretary of State. The circulator ID number may be pre-printed on petition sheets and need not be written on the petition sheet by the circulator personally.

2. Canceling Circulator Registrations

An individual circulator may cancel his or her circulator registration for any or all measures directly through the Secretary of State's circulator registration portal.

In addition, an authorized representative of the committee serving as an initiative or referendum proponent (*i.e.*, the committee designated on the initiative or referendum serial number application) may cancel the registration of circulators for its measure by providing to the Secretary of State's office, in writing, a list of circulator names and identification numbers and a request that those circulators' registration for the specific measure be canceled. The committee must also provide notice of the cancellation request to each affected circulator.

Such cancellation does not affect the validity of signatures collected by those circulators before the cancellation, but any signatures collected by canceled circulators thereafter are invalid if circulator registration was otherwise required.

D. Service of Process on Registered Circulators

Circulators of statewide initiatives and referenda who are required to register must provide the address of the committee in this state for which the circulator is gathering signatures and at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions. In the event of litigation regarding the petition circulated, service of process on the circulator is effected by delivering a copy of the subpoena to that person individually, by leaving a copy of the subpoena with a person of suitable age, or by mailing a copy of the subpoena to the committee by certified mail to the address provided on the circulator's registration application. [A.R.S. § 19-118\(B\)\(4\)](#).

Registered circulators of candidate petitions shall designate an address in the state at which the circulator will accept service of process related to disputes concerning circulation of that circulator's petitions. In the event of litigation regarding the petition circulated, service of process on the circulator is effected by delivering a copy of the subpoena to that person individually or by leaving a copy of the subpoena with a person of suitable age.

III. SIGNATURE GATHERING AND VERIFICATION REQUIREMENTS

Every person who signs a paper petition must do so in the presence of a circulator, therefore a circulator must personally witness each collected signature.

- For an initiative, referendum, or recall petition, the circulator must execute the circulator affidavit of verification on the back of the petition before a notary after collecting signatures on a paper petition sheet. [A.R.S. § 19-112\(A\), \(C\)-\(D\)](#); [A.R.S. § 19-205](#).
- For a candidate petition or petition for new party recognition, the circulator must sign the circulator verification statement on the back of the petition sheet, but notarization is not required. [A.R.S. § 16-321\(D\)](#).

Additionally, an initiative or referendum petition must have a copy of the official and correct title and text attached to the petition sheet before any signatures are obtained on that sheet. [A.R.S. § 19-112\(C\)](#). For statewide measures, the political committee or circulator must ensure that the staple is in place within the designated area in the upper-left corner of the petition sheet.

More information regarding signature collection requirements and circulator verification, including the Secretary of State's recommended best practices, will be available on the Secretary of State's website at www.azsos.gov/elections.

CHAPTER 15: POLITICAL PARTY RECOGNITION

A recognized political party is entitled to representation on a partisan primary election ballot and subsequent placement of the prevailing candidate on the general election ballot. This chapter describes the process by which a political party achieves or maintains official recognition.

A political party may obtain first-time or new-party recognition by submitting a sufficient number of valid petition signatures to the appropriate filing officer. [A.R.S. § 16-801\(A\)](#); [A.R.S. § 16-802](#). Alternatively, an existing political party maintains its recognition by either receiving a sufficient number of votes in the last general election or by achieving a sufficient number of registered voters. [A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804\(A\)-\(B\)](#).

I. NEW PARTY RECOGNITION

A group of qualified electors seeking to form a new political party is not required to establish a political committee unless the group raises or spends at least the current adjusted registration threshold pursuant to [A.R.S. § 16-931\(A\)\(1\)](#) in connection with the effort to seek new party recognition. [A.R.S. § 16-905](#). If the group is required to register as a committee (or decides to voluntarily register), the group must register as a political action committee. [A.R.S. § 16-905\(B\)](#). A group may only register as a political party committee after the filing officer has granted new party recognition pursuant to [A.R.S. § 16-803](#). [A.R.S. § 16-905\(E\)](#).

Qualified electors seeking to form a new political party must comply with the following requirements, depending on the jurisdiction.

A. Requirements for Seeking New Party Recognition

1. Statewide Recognition

To qualify for statewide recognition, qualified electors must timely submit the following documents to the Secretary of State:

- An affidavit signed by ten qualified electors, requesting that a new political party be formed; and
- Petition signatures equal to at least 1⅓ percent of the total votes cast for Governor at the last preceding general election at which a Governor was elected. The number of votes cast for Governor are determined based upon the applicable statewide canvass, calculated by the Secretary of State and published on the Secretary of State's website.

[A.R.S. § 16-801\(A\)](#).

The new party affidavit must be completed on a form prescribed by the Secretary of State. Within seven business days of filing, the Secretary of State must send the affidavit to the applicable County Recorders to verify that each signer is a qualified elector. [A.R.S. § 16-801\(A\)\(1\)](#). The Secretary of State must transmit the affidavit to the County Recorders, and the County Recorders must verify that the affidavit signers are qualified electors, in accordance with the deadlines outlined in [A.R.S. § 16-803\(B\)](#) and [A.R.S. § 16-803\(E\)](#). The Secretary of State may deny party recognition if the County Recorders determine there are less than ten qualified electors who signed the new party affidavit.

The new party petitions must be substantially in the form of candidate petitions but must be captioned “Petition for Political Party Recognition.” [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for statewide recognition must be printed on a form prescribed by the Secretary of State. Petition signatures must be gathered from registered voters in at least five different counties, and at least 10% of the required total of qualified signers must be registered in counties with populations of less than 500,000 persons. [A.R.S. § 16-801\(A\)\(1\)](#). Petition signatures may not be dated more than 24 months from the date of filing.

Both the new party affidavit and new party petitions must be filed with the Secretary of State at least 250 days before the primary election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#). The Secretary of State may require electronic filing for the affidavit and new party petitions.

2. County Recognition

To qualify for county recognition, qualified electors must timely submit petition signatures equal to at least 2% percent of the total votes cast for County Attorney at the last preceding general election at which the County Attorney was elected. The number of votes cast for County Attorney is determined based upon the applicable county canvass. The petitions must be filed with the officer in charge of elections. [A.R.S. § 16-802](#).

The new party petitions must be substantially in the form of candidate petitions but must be captioned a “Petition for Political Party Recognition.” [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for county recognition must be printed on a form prescribed by the officer in charge of elections. Petition signatures must be gathered from registered voters in at least ¼ of the election precincts of the county. [A.R.S. § 16-802](#). Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the officer in charge of elections at least 250 days before the primary election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#).

3. Simultaneous Statewide and county Recognition

Qualified electors may simultaneously seek statewide and county recognition by filing the original petitions with the county officer in charge of elections, and filing a certified copy with the Secretary of State. Petitions must be in the form prescribed by the Secretary of State. [A.R.S. § 16-803\(A\)](#).

Both filing officers must process the petitions in accordance with the procedures applicable to their jurisdiction. Accordingly:

- The electors must file the required affidavit with the Secretary of State; and
- The electors must submit petition signatures equal to at least:
 - 1½ percent of the total votes cast for Governor at the last preceding general election; and
 - 2% of the total votes cast for applicable County Attorney at the last preceding general election.

[A.R.S. § 16-801\(A\)](#); [A.R.S. § 16-802](#).

If the petitions do not meet the requirements for certification at the statewide or county level, the political party will not be recognized in that jurisdiction.

4. City or Town Recognition

To qualify for city or town recognition, qualified electors must timely submit petition signatures equal to at least 2% of the total votes cast for Mayor at the last preceding election at which the Mayor was elected.

If a Mayor is not elected by voters (for example, the Mayor is appointed or elected by other councilmembers, not the city's or town's electorate), qualified electors must timely submit petition signatures equal to at least 2% of the highest total votes cast for any councilmember at the last preceding election at which a councilmember was elected. [A.R.S. § 16-802](#). The number of votes cast for Mayor or councilmember are determined based upon the applicable city or town canvass.

New party petitions must be filed with the applicable city or town clerk. [A.R.S. § 16-802](#).

The new party petitions must be substantially in the form of candidate petitions, but must be captioned "Petition for Political Party Recognition." [A.R.S. § 16-801\(A\)\(2\)-\(3\)](#). Petitions for municipal recognition must be printed on a form prescribed by the city or town clerk. Petition signatures must be gathered from registered voters in at least ¼ of the election precincts of the city or town. [A.R.S. § 16-802](#). Petition signatures may not be dated more than 24 months from the date of filing.

New party petitions must be filed with the city or town at least 250 days before the primary (or first) election for which the party seeks recognition. [A.R.S. § 16-803\(A\)](#).

B. Processing Statewide New Party Petitions

1. Secretary of State Processing

a. Out-of-County Signature Eliminations

Signatures must be grouped by county on the petition sheets. Signatures collected outside the county of the majority of signers must be eliminated from a petition sheet. [A.R.S. § 16-803\(B\)\(1\)](#).

The Secretary of State must initially assume that the signers of a petition sheet reside in the county listed in the caption of the petition sheet. The Secretary of State prints a three-letter code in the upper right-corner of each petition image that corresponds to this county. [A.R.S. § 16-803\(B\)\(1\)\(a\)](#).

The Secretary of State must then review each signature line to verify the signer resides in the county designated at the top of the petition sheet. Any signature line printed by a signer who appears to reside in a different county will be eliminated. [A.R.S. § 16-803\(B\)\(1\)\(b\)](#).

The Secretary of State does not have a duty to verify that each individual address falls within the designated county's boundary but must verify that the signer's city or town falls within the designated county. If the city or town is missing, the Secretary of State must verify that the signer's zip code falls within the county. For cities or towns that cross county lines, the Secretary of State may assume the signer resides in the county designated at the top of the petition sheet.

If majority of signers on the petition sheet reside (based on the city or town listed) in a different county than what was designated at the top of the petition sheet, the Secretary of State must change the county code for that petition sheet to the majority county and eliminate signature lines printed by signers who do not reside in the majority county. [A.R.S. § 16-803\(B\)\(1\)](#).

Petition sheets must be organized by county prior to transmitting any petition sheets to a County Recorder. [A.R.S. § 16-803\(B\)\(1\)\(c\)](#).

b. Individual Signature Eliminations

After signatures outside the county of the majority of signers have been stricken, the Secretary of State must eliminate petition signatures for any of the following reasons:

1. The signature or printed name of the petition signer is missing, [A.R.S. § 16-803\(B\)\(2\)\(a\)](#):
 - The Secretary of State must eliminate a signature line if either the printed first or last name is missing or the printed name is illegible. *See Whitman v. Moore*, 59 Ariz. 211, 230 (1942). However, the Secretary of State should not eliminate a signature line if the signature is illegible, if the printed first and last names are switched and printed in the wrong columns or if the name and signature are switched and printed in the wrong columns.

2. The signer did not provide a residence address or description of the signer's residence location, or provided a P.O. Box in lieu of a residence address or location, [A.R.S. § 16-803\(B\)\(2\)\(b\)](#):
 - If the signer provided any information that could be reasonably construed as a street name or street number, the Secretary of State should not eliminate the signature line.
 - The Secretary of State should not eliminate a signature line if the street type (such as "lane," "boulevard," or "circle") is missing. *See Jenkins v. Hale*, 218 Ariz. 561, 564 (2008).
 - The Secretary of State may not eliminate a signature line that uses quotation marks or "ditto" marks to incorporate the address from the signature line immediately above.
3. The petition signature date is missing, [A.R.S. § 16-803\(B\)\(2\)\(c\)](#):
 - The Secretary of State should eliminate a signature line if it is missing the day or month of signing. *See Meyers v. Bayless*, 192 Ariz. 376, 378 (1998);
 - The Secretary of State may not eliminate a signature line that is only missing the year of signing. *See Energy Fuels Nuclear, Inc. v. Coconino County*, 159 Ariz. 210, 213 (1988);
 - The Secretary of State may not eliminate a signature line that uses quotation marks or "ditto" marks to incorporate the date from the signature line immediately above.

The Secretary of State does not have authority to reject petition sheets or signatures based on the following legal deficiencies:

1. A missing petition caption, modified petition caption, or a caption that contains inaccurate information;
2. A missing county in the petition caption; or
3. Signatures obtained more than 24 months from the filing date.

[A.R.S. § 19-101\(A\)](#); [A.R.S. § 19-102\(A\)](#). The foregoing legal deficiencies are not explicitly or implicitly referenced in [A.R.S. § 16-803\(B\)\(2\)](#), therefore these legal deficiencies must be reviewed by a court.

c. Preparing Signatures for County Recorder Verification

Within seven business days after receipt of a petition for statewide recognition, the Secretary of State must perform the following steps to determine whether signatures may be transmitted for County Recorder verification:

1. Count the number of signature lines on each valid petition sheet that have not been stricken, and place the total number on the upper right-hand corner on the front side of each petition sheet;
2. Count the total number of petition sheets and signatures eligible for County Recorder verification. Each petition sheet has been physically and electronically labeled upon being scanned into the Secretary of State's review software, therefore the petition sheets are not re-numbered after the Secretary of State has completed the sheet and signature count;
3. Determine whether the signatures eligible for verification exceeds the required minimum:
 - If the minimum has been met, the Secretary of State must conduct a 20% random sample and should issue a receipt to the applicant that includes the following information:
 - The total number of signatures eliminated by the Secretary of State;
 - The total number of signatures that remain eligible for County Recorder verification (this number must exceed the required minimum);
 - The total number of signatures that have been randomly sampled and transmitted to one or more County Recorders; and
 - The deadline for County Recorder review.
 - If the minimum has not been met, the Secretary of State must issue a receipt to the applicant, stating that the political party is not eligible for recognition, and cease further processing of the petition.

[A.R.S. § 16-803\(B\)\(3\)](#); [A.R.S. § 16-803\(B\)\(4\)](#); [A.R.S. § 16-803\(B\)\(5\), \(C\)](#).

The Secretary of State's selection of a random sample to transmit to County Recorders must also be conducted within seven business days after receipt of a petition for statewide recognition:

1. The Secretary of State must randomly select (whether manually or electronically) 20% of eligible signatures across all petition sheets that have not been eliminated;
2. The Secretary of State must mark the petition signature lines that have been randomly selected in a clear manner; and
3. The Secretary of State must transmit the front sides of any petition sheet containing a randomly sampled signature to the applicable County Recorder(s). This may be done electronically.

[A.R.S. § 16-803\(C\)](#). Although there is no deadline for transmitting the random sample to the applicable County Recorders, the Secretary of State should do so within a reasonable timeframe, along with the affidavit of electors.

2. County Recorder Processing

Following receipt from the Secretary of State, a County Recorder must eliminate signatures using the same criteria applied to initiative, referendum, and recall petitions under [A.R.S. § 19-121.02](#). [A.R.S. § 16-803\(E\)](#).

The County Recorder must issue a certification and transmit this certification to the Secretary of State and the electors within ten business days of receiving the signatures. [A.R.S. § 16-803\(E\)](#). The County Recorder's certification must include:

1. The total number of signatures that were transmitted to the County Recorder for verification;
2. The total number of random signatures that were disqualified by the County Recorder; and
3. The name of any signer whose petition signature was eliminated, including the petition page number and signature line number where the signature was eliminated.

[A.R.S. § 16-803\(F\)](#). The County Recorder must transmit this certification to the Secretary of State in the manner specified by the Secretary. If the Secretary of State electronically transmitted petition sheets to the County Recorder, it is unnecessary for the County Recorder to return the petition sheet images to the filing officer. [A.R.S. § 16-803\(G\)\(1\)](#).

The Secretary of State should also transmit the County Recorder certifications to the electors.

3. Final Certification by Secretary of State

Within three calendar days of receiving the last County Recorder's certification, the Secretary of State must determine whether there are sufficient valid signatures for the party to qualify for the ballot:

1. The Secretary of State calculates the total number of petition signatures verified by County Recorders, including the percentage of verification.
2. The Secretary of State then multiplies the total number of eligible signatures by the verification percentage.

[A.R.S. § 16-803\(H\)](#). The Secretary of State must also review the certification(s) regarding the affidavit of electors.

The new party qualifies for recognition if the number of presumed valid signatures exceeds the required minimum and all ten electors were found to be qualified electors by the County Recorder(s). If the new party petition qualifies, the Secretary of State issues a certification and

receipt to the electors and notifies the Boards of Supervisors, County Recorders, and officers in charge of elections. [A.R.S. § 16-803\(I\)](#).

If the new party petition does not qualify for recognition, the Secretary of State issues a certification and receipt to the electors explaining why the petition did not qualify for recognition and returns the original petition sheets to the electors. [A.R.S. § 16-803\(I\)](#).

C. Duration of New Party Recognition

A new political party that receives statewide recognition is entitled to recognition through the next two general elections for federal office immediately following recognition of the party. [A.R.S. § 16-801\(B\)](#). For example, if a new political party achieves statewide recognition in March 2020, the party is entitled to recognition through the 2022 general election.

D. Recognition Following Expiration of New Party Status

Following the expiration of new party status, the party may maintain recognition by:

1. Qualifying for continued representation based upon votes cast at the election preceding the expiration of new party status or a requisite number of active registered voters; or
2. Timely filing a new petition for new party recognition.

[A.R.S. § 16-801\(B\)](#); [A.R.S. § 16-804](#).

A political party that qualifies for continued representation is treated differently from a political party that files a new petition for new party recognition. For example, a member of a political party with continued representation may not sign a nomination petition for a candidate seeking a nomination from a different party with continued recognition. [A.R.S. § 16-321\(F\)](#). Thus, a voter registered with the Democratic Party—a party with continued representation—may sign a nomination petition for Democratic candidates, new party candidates, or independent candidates, but not for Republican candidates—another party with continued representation. Whereas a voter registered with a new party may sign any candidate’s petition.

As a corollary, members of a political party with continued representation are not included when calculating other continuously-represented parties’ signature totals to run for office. For example, the number of signatures needed to run for the U.S. Senate as a Republican—a party with continued representation—are determined by calculating $\frac{1}{4}$ of one percent of all Republicans, new party registrants, independents, and registrants with no party designation. In contrast, the number of signatures needed to run for the U.S. Senate as a new party candidate excludes Republicans, Democrats, and any other recognized parties with continued representation. [A.R.S. § 16-322\(A\)\(1\)](#); [A.R.S. § 16-321\(F\)](#).

E. Expiration of New Party Status

If a new political party does not re-qualify for recognition as a new party, new party status expires when the Secretary of State, County Recorder, or city or town clerk (as applicable) issues his or her announcement regarding continued representation. [A.R.S. § 16-804\(C\)-\(E\)](#).

II. QUALIFYING FOR CONTINUED RECOGNITION

To qualify for continued representation, a political party must meet one of two baseline levels of support: number of votes cast for the party's candidate or the number of active registered voters in the jurisdiction. [A.R.S. § 16-804\(A\)-\(B\)](#); *see also* [A.R.S. § 16-193\(5\)](#).

A. Statewide Continued Representation

To qualify for statewide continued representation:

1. The new party's candidate for Governor or President must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
2. The new party must have at least $\frac{2}{3}$ of 1% of active registered voters statewide as of October 1st of the year preceding expiration of new party status.

The Secretary of State must determine the political parties qualified for continued representation by December 1st of the appropriate year. [A.R.S. § 16-804\(C\)](#).

Promptly thereafter, the Secretary of State must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

B. County Continued Representation

To achieve continued representation at the county level:

1. The new party's candidate for County Attorney must receive at least 5% of the votes cast at the federal general election immediately preceding the expiration of new party status; or
2. The new party must have at least $\frac{2}{3}$ of 1% of active registered voters in the county as of October 1st of the year preceding expiration of new party status.

[A.R.S. § 16-804\(A\)](#). The County Recorder must determine the political parties qualified for continued representation by December 1st of the appropriate year. [A.R.S. § 16-804\(D\)](#). Promptly thereafter, the County Recorder must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

C. City or Town Continued Representation

To achieve continued representation in a city or town that conducts partisan elections:

1. The new party's candidate for Mayor must receive at least 5% of the votes cast at the general election (or second or runoff election) immediately preceding the expiration of new party status; or
2. The new party must have at least $\frac{2}{3}$ of 1% of active registered voters in the city or town (as determined by the applicable County Recorder) as of 155 days prior to the primary election (or first election) that will be conducted in the year new party status expires.

[A.R.S. § 16-804\(A\).](#)

The city or town clerk must determine the political parties qualified for continued representation 140 days prior to the primary election (or first election) that will be conducted in the year new party status expires. [A.R.S. § 16-804\(E\).](#)

Promptly thereafter, the city or town clerk must notify the political party, county election officials, and the public about whether the party qualified for continued representation.

CHAPTER 16: CAMPAIGN FINANCE

I. CAMPAIGN FINANCE REPORTING

The Secretary of State is required to prescribe the format for all campaign finance reports and statements. [A.R.S. § 16-926\(A\)](#). Sample forms are included in Chapter 17 for use by local jurisdictions. Candidates who file their campaign finance reports and statements with the Secretary of State's Office must use the Secretary of State's online campaign finance reporting system.

Additional campaign finance guidance is available on the Secretary of State's website at www.azsos.gov/elections. All candidates and political committees are encouraged to read the Secretary of State's campaign finance handbook for additional information. In addition, candidates running with Clean Elections funding have additional rules they must follow. They should contact the Citizens Clean Elections Commission ("CCEC") for further information, or visit their website at www.azcleelections.gov.

II. CAMPAIGN FINANCE ENFORCEMENT

Campaign finance enforcement may be initiated through the filing officer. In addition, any person may file a complaint against a candidate with CCEC he or she believes a violation of the Clean Elections Act or CCEC rules has occurred. CCEC staff may also initiate an internally generated complaint against a candidate. More details about CCEC campaign finance enforcement procedures are available at the CCEC website: <https://www.azcleelections.gov/campaign-finance-enforcement>.⁴⁸

Campaign finance enforcement initiated with the filing officer follows a bifurcated structure, relying on an initial determination by a filing officer followed by the final decision of an enforcement officer. The overall process is summarized as follows and is covered in more detail in this Section:

- The filing officer will make a preliminary determination whether a campaign finance violation has occurred, known as a "reasonable cause" finding. [A.R.S. § 16-938\(C\)](#).

⁴⁸ [A.R.S. § 16-938\(A\)](#) states ". . . a filing officer is the sole public officer who is authorized to initiate an investigation into alleged violations . . ." However, the phrase "is the sole public officer" has been invalidated by court judgment. An appeal is pending as of August 9, 2019, but the lower court judgment remains in effect absent any stay or reversal by a higher court. *See Arizona Advocacy Network et al., v. State of Arizona*, No. CV2017-096705, (Ariz. Super. December 3, 2018).

- If the filing officer makes a reasonable cause finding, the filing officer generally will refer the matter to the appropriate enforcement officer. [A.R.S. § 16-938\(C\)](#).
- The enforcement officer makes the final determination whether a legal violation occurred, which may require an additional investigation beyond the information provided by the filing officer. [A.R.S. § 16-938\(C\), \(E\)](#).
- If the enforcement officer concludes that a campaign finance violation occurred, the enforcement officer may issue a notice of violation to the alleged violator. If the violation has not been timely remedied, the enforcement officer may initiate legal action to secure compliance with campaign finance law. [A.R.S. § 16-938 \(E\)-\(G\)](#).

A. Initiation of Campaign Finance Complaints

1. Third Party Complaints

Any person may file a complaint with the appropriate filing officer if he or she believes a violation of Arizona campaign finance laws has occurred, including but not limited to:

- Failure to register as a political committee when required;
- Unlawful commingling of money;
- Violation of campaign contribution limits;
- Making or accepting unlawful contributions;
- Failure to include proper advertising disclaimers;
- Failure to file campaign finance reports (if the filing officer has not already initiated an enforcement action);
- Improper or unreported expenditures; or
- Filing incomplete or inaccurate campaign finance reports.

[A.R.S. § 16-938](#).

The complaint must be made in writing and submitted to the applicable filing officer for campaign finance reports. Email submissions are acceptable. [A.R.S. § 16-938\(B\)](#).

Regardless of whether a complainant is represented by counsel, a complaint must contain the full name, mailing address, and signature of the complainant. A complaint should also:

- Clearly recite the facts that describe a violation of Arizona campaign finance law under the filing officer's jurisdiction as specifically as possible (citations to the law are highly encouraged);
- Clearly identify each person, committee, organization or group that is alleged to have committed a violation;

- Include any supporting documentation (such as sworn affidavits from persons with first-hand knowledge, media reports, advertisements, website links, etc.) supporting the alleged violation, if available; and
- Differentiate between statements based on a complainant's personal knowledge and those based on information and belief. Statements not based on personal knowledge should identify the source of the information.

Complaints should be filed as soon as possible after the alleged violation becomes known to the complainant in order to preserve available evidence and initiate the enforcement process within the 4-year statute of limitations period. See [A.R.S. § 12-550](#).

The filing officer must review the complaint for compliance with the required criteria outlined above, including confirmation that the complaint falls within the filing officer's jurisdiction. If the complaint does not meet the criteria, the filing officer should notify the complainant of the deficiencies and that no action will be taken on the complaint. If the complaint is deemed sufficient, the filing officer will:

- Assign the complaint a complaint number (in a format determined by the filing officer);
- Confirm in writing that the complaint has been received;
- Inform the complainant that the respondent will be provided an opportunity to submit a response and the complainant may submit a reply within specified time periods; and
- Inform the complainant that the filing officer will notify him or her once a preliminary decision has been made.

2. Mitigating Conflicts of Interest

A filing officer and enforcement officer should avoid actual or perceived conflicts of interest when adjudicating campaign finance complaints. A conflict analysis should be undertaken promptly after a complaint is filed and before the respondent is directed to file a response. [A.R.S. § 38-503\(B\)](#).

A possible conflict of interest involves blending the roles of filing officer and enforcement officer. To maintain the necessary degree of independence, the enforcement officer generally should not render legal advice to the filing officer while maintaining an enforcement role. For example, the enforcement officer generally should not advise the filing officer that reasonable cause exists and later initiate an enforcement action after receiving a referral from that filing officer. If such a conflict exists, the enforcement officer would need to refer the matter to another enforcement officer. Alternative options include, but are not limited to, the following: (1) the enforcement officer could establish a conflict wall to ensure the same attorney providing advice is not the same attorney initiating enforcement; (2) the filing officer could seek legal advice from outside counsel (other than the enforcement officer) to reach a reasonable cause decision; (3) the enforcement officer could delegate his or her enforcement authority to outside counsel, thereby allowing the original enforcement officer to continue providing legal advice to the filing officer.

If a filing officer determines that a conflict of interest exists, the filing officer should refer a campaign finance complaint to another filing officer in the state who accepts the referral.⁴⁹ The receiving officer has the same jurisdiction to make a reasonable cause determination as the original officer. [A.R.S. § 16-938\(A\)](#). If the receiving officer ultimately does find reasonable cause, he or she may refer the matter directly to an appropriate enforcement officer or refer the matter back to the original filing officer, and the original filing officer must refer the matter to the enforcement officer for that jurisdiction.

If a filing officer makes a reasonable cause finding but believes the corresponding enforcement officer will have a conflict of interest, the filing officer nonetheless must make the referral to that enforcement officer. *Winn v. Maricopa County Attorney's Office*, No. CV2013-003007, Minute Entry pg. 5 (Ariz. Super. Ct. May 2, 2013); see also *Comm. for Justice & Fairness v. Arizona Sec'y of State's Office*, 235 Ariz. 347, 350 (Ct. App. 2014). The enforcement officer must then determine whether a conflict of interest exists and, if so, refer the matter to another enforcement officer.

B. Notice of Complaint and Opportunity for Response and Reply

1. Notice to Respondents

A “respondent” is the person who is the subject of the campaign finance complaint or referral.

Within five business days after receiving a properly filed complaint, the filing officer will send the respondent a copy of the complaint and a letter describing the filing officer’s campaign finance processing procedures. The notification letter reflects no judgment about the accuracy of the allegations, but simply: (i) informs the respondent that the filing officer has received allegations as to possible violations of campaign laws by the respondent; (ii) provides a copy of the complaint or referral document, or in limited circumstances, a summary of the complaint; and (iii) gives the respondent an opportunity to respond in writing in a timely manner.

2. Submitting a Response

The response is the respondent’s opportunity to demonstrate to the filing officer why the filing officer should not pursue an enforcement action, or to clarify, correct, or supplement the information in the complaint or referral. Respondents are not required to respond to the allegations. Respondents must be provided an opportunity to respond to both a third-party complaint and an internally-initiated investigation.

⁴⁹ If the original filing officer cannot promptly identify another filing officer who will accept the referral, the original filing officer should promptly notify the complainant and respondent after the complaint was filed that: (i) the filing officer has a conflict of interest; and (ii) the new filing officer (once identified) will contact the parties and formally initiate the enforcement proceedings.

Respondents, if they choose, may be represented by counsel. Once the filing officer receives a notification that the respondent is represented by counsel, the filing officer will communicate only with the counsel unless otherwise authorized by the respondent.

There is no prescribed format for responses. While not required, providing documentation, including sworn affidavits or declarations under penalty of perjury from persons with first-hand knowledge of the facts, tends to be helpful. It is also helpful for a respondent to specifically address each allegation in the complaint. The response may be submitted by email, and the respondent need not copy the complainant on the response.

The filing officer may set a response deadline not to exceed 30 calendar days. Upon request by the respondent and for good cause shown, the filing officer may grant a reasonable extension of the response deadline. The respondent must make the request to the filing officer in writing, and the filing officer must copy the complainant on the filing officer's decision on the extension request.

3. Submitting a Reply

Within five business days after receiving a response, the filing officer will send the complainant a copy of the response and a letter that explains the opportunity for the complainant to submit a reply.

There is no prescribed format for replies and complainants are not required to file a reply. However, the reply is the complainant's opportunity to address issues raised in the response and/or buttress the complaint's original allegations. The reply may not raise new issues that were not addressed in the original complaint.

The filing officer may set a reply deadline not to exceed 14 calendar days. The filing officer may not take any action on the complaint or referral (other than dismiss the matter) until this time period has passed. Upon request by the complainant and for good cause shown, the filing officer may grant a reasonable extension of the reply deadline.

C. Decision by Filing Officer

After the reply period (and any extension, if granted) has passed, the filing officer will evaluate the complaint, response and reply (if any) to determine whether there is reasonable cause to believe a violation occurred. The filing officer should also consider any relevant campaign finance reports or documents on file with the filing officer and any other information available in the public record. The filing officer does not possess subpoena powers to compel production of evidence or attendance of witnesses concerning a potential campaign finance violation (nor may any party to the proceeding conduct discovery). However, the filing officer may request voluntary production of information to assist in evaluating the complaint or response. [A.R.S. § 16-938\(D\)](#).

1. Determining Whether a Violation Occurred

A filing officer may take one of three courses of action: find reasonable cause, dismiss the matter, or find no reasonable cause.

a. Finding Reasonable Cause

To refer a matter to an enforcement officer, a filing officer must find “reasonable cause to believe a person violated” campaign finance law. [A.R.S. § 16-938\(C\)](#). A reasonable cause finding is not a definitive finding that the respondent violated campaign finance law but simply means that the filing officer believes a violation may have occurred.

In determining whether there is reasonable cause, the standard of review is akin to “probable cause” to support the complainant’s allegations, which generally means there is reasonably trustworthy information and circumstances that would lead a reasonable person to conclude there is substantial likelihood that the respondent committed a violation. *See In re Shaheen Tr.*, 236 Ariz. 498, 501 (Ct. App. 2015); *State v. Keener*, 206 Ariz. 29, 32 (Ct. App. 2003); *see also* Ariz. Admin Code R2-20-215.

b. Dismissal of Complaint

In his or her discretion, a filing officer may dismiss a matter that does not merit further use of government resources. The filing officer may take into account the following factors when deciding whether to dismiss a complaint:

- Whether there is a small dollar amount at issue;
- The insignificance of the alleged violation;
- The vagueness or weakness of the evidence;
- Whether the alleged violation has been remedied and not likely to be repeated; and
- Whether the alleged violation was unintentional.

If dismissal is warranted, the filing officer may send a letter cautioning or reminding the respondent regarding the relevant legal obligations going forward.

c. Finding No Reasonable Cause

A filing officer should find “no reasonable cause” if a violation occurred when the complaint, response and reply (if any), along with any publicly available information, taken together, fail to give rise to a reasonable inference that a violation has occurred (or even if the allegations were true, would not constitute a violation of the law).

2. Issuance and Notification of Decision

A filing officer should issue a reasoned decision with a reasonably complete factual and legal analysis. A filing office has no deadline to render a decision but should keep the parties

reasonably apprised of the projected decision timetable. The filing officer should notify all parties in writing of the decision.

If the filing officer dismisses the complaint or finds no reasonable cause, the matter is closed and no notification is given to the enforcement officer. A dismissal or finding of no reasonable cause are not considered appealable actions.

If the filing officer finds reasonable cause, the filing officer must notify the enforcement officer and provide all relevant documentation from the case:

- For matters investigated by the Secretary of State as filing officer, the Secretary must notify the Attorney General;
- For matters investigated by a county filing officer, the county filing officer must notify the county attorney; or
- For matters investigated by a city or town filing officer, the city or town filing officer must notify the city or town attorney.

[A.R.S. § 16-938\(C\)\(1\)-\(3\).](#)

If the filing officer determines there is reasonable cause to believe that knowing and intentional representations were made, the filing officer may refer the matter to the enforcement officer for possible criminal prosecution as well. [A.R.S. § 16-1021.](#)

D. Decision by Enforcement Officer

Upon receipt of a reasonable cause finding from a filing officer, an enforcement officer must:

- Review the matter for potential conflicts of interest;
- If necessary, conduct an investigation and/or compel discovery through the enforcement officer's subpoena powers; and
- Reach a final decision whether a campaign finance violation occurred.

Nonpublic information gathered during the investigation must be kept confidential until after the final disposition of any appeal.

If the enforcement officer determines a violation occurred, the enforcement officer may serve a notice of violation on the respondent. The notice must:

- State with reasonable particularity the nature of the violation;
- Specify the fine or penalty imposed, and any other corrective action required to be undertaken; and
- Require compliance within 20 calendar days after the date of issuance of the notice.

[A.R.S. § 16-938\(E\)\(2\).](#)

1. Late Campaign Finance Reports

In the case of a registered committee's failure to file campaign finance reports, no further investigation or discovery is generally necessary and the enforcement officer may proceed to issue a notice of violation. The notice should include a calculation of the penalties that have accrued between the filing deadline and the date of the notice of violation, and state that penalties will continue to accrue until paid in full or corrective action is taken. [A.R.S. § 16-938\(E\)\(2\)](#); see also [A.R.S. § 16-937\(B\)](#).

2. Other Campaign Finance Violations

In the case of any other campaign finance violation, the notice of violation should include a presumptive financial penalty equal to the amount of money improperly received, spent or promised in violation of the law. In special circumstances, based on the severity, extent or willful nature of the violation, the enforcement officer may issue a financial penalty up to three times the amount of money improperly received, spent or promised. The enforcement officer should outline the special circumstances in the notice of violation.

A notice of violation also may require the respondent to form a political committee and thereafter file campaign finance reports for past and future political activity. However, if the respondent timely appeals this ruling, the respondent need not file the campaign finance reports unless and until the enforcement officer's notice of violation has been upheld. [A.R.S. § 16-938\(E\)\(2\)](#).

E. Response to Notice of Violation

1. Respondent Takes Corrective Action

If a notice of violation requires corrective action and payment of a fine or financial penalty, but the respondent takes the specified corrective action within 20 days of being served with the notice, the respondent is not subject to any fine or financial penalty. [A.R.S. § 16-938\(G\)\(1\)](#). The enforcement officer should close the matter and issue a confirmation in writing.

2. Respondent Takes No Corrective Action

If the respondent fails to timely comply with a notice of violation, the enforcement officer may impose the fine or financial penalty (if any) and provide the respondent a final notice stating that the fine or penalty may be appealed to the Superior Court. [A.R.S. § 16-938\(G\)\(2\)](#).

3. Respondent Appeals to Superior Court

If the respondent fails to comply with a final notice but timely files an appeal, the final notice is stayed until the appeal is resolved. A respondent must file an appeal in superior court within 30 days after receiving the final decision and provide a copy of the appeal to the enforcement officer. [A.R.S. § 16-938\(H\)](#).

At the hearing, the Superior Court must conduct a trial de novo and the enforcement officer has the burden of proving any alleged violations by a preponderance of the evidence. [A.R.S. § 16-938\(I\)](#).

DRAFT FOR PUBLIC COMMENT

CHAPTER 17: APPENDICES AND SAMPLE FORMS

The sample forms contained in this manual are subject to revisions. Please contact the Secretary of State's Office for the most current version.

	Page
<u>I. Appendices</u>	1
A. Election Calendar	2
B. Retention Schedule – Election Records	41
C. Retention Schedule – Recorder Records	49
D. County Recorder Petition Signature Verification Guide	56
E. AZSOS HAVA Complaint Handbook (will be available at www.azsos.gov/elections)	N/A
F. HAVA Administrative Complaint Form (English)	60
G. HAVA Administrative Complaint Form (Spanish)	62
<u>II. Voter Registration Sample Forms</u>	64
A. Arizona Registration Form	65
B. National Voter Registration Form: English / Spanish	69
C. Federal Post Card Application (FPCA)	72
D. Federal Write-In Absentee Ballot (FWAB)	75
<u>III. Voter Correspondence Sample Forms</u>	80
A. DPOC Submission Form/“Federal-Only” Notice	81
B. DPOC Submission Form/F-Type Notice	82
C. DPOC Submission Form/SAVE Non-Citizen Notice	83
D. DPOC Submission Form/SAVE No-Match Notice	84

E. DPOC Submission Form/ Juror Questionnaire Non-Citizen Notice	85
F. Notification to “Federal-Only” re HAVA ID Requirement	86
G. Cancellation Notice Due to Soft Duplicate Match Resolution	87
H. Registration Update Needed	88
I. NVRA Address Change	89
J. Final Notice (In-Jurisdiction Letter)	90
K. Final Notice (Out-of-Jurisdiction Letter)	91
L. Jury Questionnaire – Felon	92
M. Felony Conviction	93
N. Adjudicated Incompetent	94
<u>IV. County Recorder Sample Forms</u>	95
A. County Recorder Naturalization Ceremony Certification	96
B. Recorder’s Certificate	97
C. Active Signature Roster – Certificate of Inspector	98
<u>V. Candidate and Campaign Finance Sample Forms</u>	100
A. Candidate Nomination Paper (Nomination by Primary)	101
B. Candidate Nomination Paper (Nomination Other Than By Primary, ARS § 16-341)	102
C. Candidate Nomination Paper (Write-In)	103
D. Candidate Nomination Paper (Non-Partisan)	104
E. Candidate Statement of Interest	105
F. Political Committee Statement of Organization	106
G. Political Committee Campaign Finance Report	109
H. Political Committee Termination Statement	175

I. Failure To File Notice - Campaign Finance Reports	177
J. Notice of Intent to Suspend Political Committee	178
<u>VI. Early Voting Sample Forms</u>	179
A. Accessible Voting Device Affidavit	180
B. 90 Day Notice Information	181
C. 33 Day Notice for All-Mail Jurisdictional Election held during a Partisan Election (Optional)	182
<u>VII. Polling Place Sample Forms & Diagrams</u>	183
A. Precinct Election Supplies Inventory List	184
B. Instructions to Voters and Election Officers	186
C. Sample Disabled Voters Signature Affidavit	187
D. Door Diagram	188
E. Polling Place Set Up Sample Diagram	189
F. Official Challenge List	190
G. Official Ballot Report	191
<u>VIII. Central Counting Place Boards Sample Forms</u>	192
A. Receiving Board Log	193
B. Inspection Board Receipt Log	194
C. Write-In Board Log	195
D. Write-In Tally Sheet	196
E. Master Audit Form Format	197
F. Master Audit Form	198
G. Duplication Board Log	199

<u>IX. Hand Count Audit Sample Forms</u>	200
A. Master Precinct and Race Selection Worksheet	201
B. Master List of All Contested Races	202
C. Hand Count Board Worksheet	203
D. Hand Count Tally Sheet	204
E. Hand Count Tally Sheet – Accessible Voting System	205
F. Precinct Hand Count Report	206
G. Early Ballot Audit – Hand Count Report	208
H. Aggregate Precinct Hand Count Report	209
I. Aggregate Early Ballot Audit – Hand Count Report	210
J. Hand Count/Early Ballot Audit Report	211
<u>X. Additional Reporting Sample Forms</u>	212
A. Equipment, Software, and Firmware Certification Statement	213
B. Cover Sheet for Additional Reports	215
C. Accessibility Report	216
D. Poll Worker Training Report	217
E. Voter Education Report	218
F. Provisional Ballot Report	220
G. Primary Election Official Canvass of Results	221